The HISTORY OF ENGLAND,

CONTINUED FROM

The Right Honorable

SIR JAMES MACKINTOSH, L.L.D: M.P.

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Execution of Sir Henry Vane

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1661—1663.

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THE phrase "church and state" has become so trite a commonplace, that few persons are struck with the precedence taken of the state by the church. This precedence was in unison with the spirit and pretensions of the church of Rome. Pope Adrian IV., once an English mendicant, invested Henry II. as his vassal with the sovereignty of Ireland, and compelled the emperor Frederick Barbarossa to hold his stirrup. It might be supposed abhorrent to the genius of protestantism, but was nevertheless adopted and cherished in the reformed communions, episcopal and presbyterian. In the one the prince, — whether an Elizabeth or a James, — was head of the church as well as of the state, and thus interested in strengthening a subservient hier- 1661.

archy. The presbyterians acknowledged no visible head of their church; but the clergy were only the more earnest and arrogant in upholding, for "the spouse of Christ," a supremacy to be exercised in trust by themselves.

For the first time the English independents held, and the English commonwealth vindicated, the precedence and supremacy of the temporal power; and the presbyterian clergy, who alone were present to resist or dispute, thought it expedient to sacrifice a theological tenet and their pride for the enjoyment of tithes and benefices.

It was the earliest care of the restored court, or of the king's chief adviser, Clarendon, to reinstate the church of England in her ancient dominion. This great step in counter-revolution was not hazarded in the Convention Parliament. It was reserved for one elected under the immediate auspices of the restoration, and now on the eve of assembling.

Meanwhile the credulous simplicity or short-sighted presumption of the presbyterians was once more played upon. It has been seen that the king's ecclesiastical declaration, and the meeting of divines of both churches, with a view to union and comprehension, at the house of the presbyterian earl of Manchester, were but perfidious illusions. The mockery of a further experiment by conference took place at the residence of Sheldon, bishop of London, in the Savoy, of which he was master.

The Savoy conferences, so called, were continued through the session of parliament, but may here be despatched briefly and at once. Twelve bishops, with nine assistant clergymen, defended the liturgy against an equal number of presbyterian divines.* The former stood upon the defensive, and called upon the presbyterians to state their exceptions. Some of the more moderate among the latter would limit their demands to a few changes in what they called essentials; but

* See their names in Neal, ii. 601, 602.

the majority, carried away by the zeal and influence of Baxter, agreed upon a list of objections so numerous, and, it may be added, so unreasonable*, as to alarm weak and offend reflecting men. The chief disputants on either side were Gunning and Baxter. "They spent," says Bishop Burnet, "several days in logical arguing, to the diversion of the town, who looked upon them as a couple of fencers, engaged in a dispute which could not be brought to any end."†

These conferences were conducted and closed like other disputes between rival churchmen. Bad faith‡ combined with frank antipathy, by an anomalous affinity peculiar to theological controversy, and the parties left the arena with increased aversion.§ The episcopal divines are charged with having secretly laboured to produce this result. It is said that Sheldon, bishop of

* The temper of the presbyterians may be judged by their branding as "flatly sinful," and contrary to the word of God, the following directions of the Rubrick: 1 "That no minister be admitted to baptize without using the *sign of the cross*. 2. That no minister be admitted to officiate without wearing a *surplice*. 3. That none be admitted to the Lord's Supper without he receive it *kneeling*. 4. That ministers be obliged to pronounce all baptized persons *regenerated by the Holy Ghost*, whether they be the children of Christians or not 5. That ministers be obliged to deliver the sacrament of the body and blood of Christ to the *unfit*, *both in health and sickness*, and that by personal application, putting it into their hands, even those who are forced to receive it against their wills through consciousness of their impenitency 6. That ministers are obliged to absolve the *unfit*, and that in absolute expressions 7 That ministers are forced to give thanks for all whom they bury, as *brethren whom God has taken to himself*. 8. That none may be preachers who do not subscribe that *there is nothing in the common prayer book of ordination and the thirty-nine articles contrary to the word of God*." Neal, II. 605.

† Burnet, i. 329.

‡ Upon Baxter's saying, that the course taken would "alienate a great part of the *nation*," one of the bishops immediately observed, "that he used nation, not *kingdom*, lest he should acknowledge the king."—*Baxter's Life*, &c., and *Hallam's Cons. Hist*, &c., II. 456.

§ Baxter mentions "the want of order, frequent interruptions, personal reflections, and the indecent conduct of a number of young divines, who interrupted the presbyterian ministers, and laughed them to scorn," as the causes of the failure of the Savoy conferences. This is the view of a short-sighted zealot. The causes lay much deeper — in the passions and interests of adverse theologians — in human nature itself — or perhaps more properly speaking, in human infirmity. The extent to which mere matters of what would now be called indifferent ceremonial, as the cross in baptism, the ring in marriage, the surplice, &c. occupied the disputants, would surprise the reader of the present day. The opposition to them, as essentially criminal, is consistent enough with the zeal and bigotry of the presbyterians; but the maintenance of them, is not so easily reconciled with the more comprehensive views of ethical philosophy, as well as religious belief, entertained by some of the episcopal divines. They probably feared that the breach made for reform in the liturgy might admit revolution in the church.

London, upon being told that the ministers were not likely to accept the terms of conformity, frankly replied, "I am afraid they will."* The few changes made appear to have been conceived in this spirit, — to revolt not conciliate the presbyterians. New saints' days were introduced into the calendar, and the history, inspired or legendary, of Bell and the Dragon, was introduced or reinstated in the daily service of the church.

The frivolous objects and the perfidious artifices of a theological dispute would not merit even this brief notice for themselves, or if they involved the interests only of the disputants; but unhappily their baneful influence reaches human charity, social peace, and succeeding generations.

Parliament assembled on the 8th of May, the auspicious anniversary of the King's restoration. Charles addressed them with the familiar humour which rendered his conversation so engaging. After recommending, in earnest terms, the confirmation and faithful observance of the indemnity act, he concluded with announcing to them his intended marriage. "I cannot," said he, "conclude, without telling you some news that I think will be very acceptable to you; and therefore I should think myself unkind and ill-natured if I should not impart it to you. I have been often put in mind by my friends, that it was now high time to marry; and I have thought so myself ever since I came into England: but there appeared difficulties enough in the choice, though many overtures have been made to me; and if I should never marry till I could make such a choice against which there could be no foresight of any inconvenience that may ensue, you would live to see me an old bachelor, which I think you do not desire to do. I can now tell you, not only that I am resolved to marry, but to whom I resolve to marry, if God please: and towards my resolution I have used that deliberation, and taken that advice, as I ought to do in an affair of that importance; and, trust me, with a full consideration

* Ralph, i. 42. note u.

of the good of my subjects in general, as of myself: it is with the daughter of Portugal."

The lord chancellor Clarendon expatiated with the usual display of rhetorical pedantry upon the topics of the royal speech, and lavished more than the usual quantity of fulsome adulation upon the royal virtues.* He stated that the first business of the present would be to confirm the acts of the late parliament, which had not been called by the king's writ. By way of neutralising this stigma upon the Convention Parliament, he had the hardihood to suggest that it was "called by God himself." He gave a glimpse of the designs of the court by recommending "the utmost severity against seditious preachers;" and to alarm as well as irritate the parliament and the people, he launched the monstrous fiction, on the pretended authority of intercepted letters, that the ebullition of a few crazy fanatics called Venner's insurrection was but the partial explosion of a plot extending over the whole kingdom.

In tracing and meditating on the career of this famous minister, one is often astonished, and sometimes disgusted, at the respect which seems historically associated with the name of Clarendon. His counsels, it is true, were sometimes meritorious, especially upon the observance of the act of indemnity; but they derived a false lustre from the profligate folly which surrounded him; and they were the result not of personal virtue, but of that superior prudence of the politician, which was combined in him with the grovelling instincts of the man.

Presbyterians were rejected, and republicans did not

* The speaker (sir Edward Turner, solicitor to the duke of York), as if resolved to outshine the chancellor, addressed the king in the following strain: — "Sir, a weak head is soon giddy, but the strongest brain may here be turned. The presence of this glory, and the glory of this presence, do transport me." "As the Israelites," he adds, "when they ate the food of angels from God's own hand, rebelled against Moses, so the unthankful spirit of the nation, for divers years last past, was weary of the government, though it was refined into the wonder and envy of all other nations, and quarrelled with our Moses because he was the Lord's anointed." Such is the effrontery with which the courtiers of the restoration falsified the reign of a prince who laid aside parliaments, spurned the laws, and pretended to govern by prerogative. There is some excuse for the vices of princes, in the corrupting flattery of their courtiers and counsellors.

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appear in the late elections. The influence of the court was aided by the besotted intoxication of the people. The new parliament quickly manifested its constituent fitness to execute the will and pleasure of the court, — more especially in restoring church conformity. The house of commons began with an order, that the sacrament should be taken according to the rites of the church of England by each member on pain of exclusion. This vote appears to have been carried without opposition or dissent.*

The commons next, in concert with the lords, condemned "that great instrument of mischief, the solemn league and covenant," to be burned in triplicate at Palace-yard, Cheapside, and the Old Exchange, by the hands of the common hangman. The same sentence was pronounced and executed upon the leading ordinances of the long parliament and institutes of the commonwealth, and the execution took place by special direction in Westminster Hall, during the sitting of the courts. The presbyterians groaned in secret over the disgrace of the covenant. The republicans, religious and political, saw with indifference the fate of that sealed bond of religious intolerance, but could not behold without emotion the brand of ignominy put upon "the good old cause."

These votes, nevertheless, produced no serious or visible manifestation of discontent, — a phenomenon not to be accounted for by any great change come over the public mind. The solution is to be found, first, in the inductive truth, that they are only a small minority of stirring and superior spirits who actuate social masses and achieve revolutions; next, in the removal of the leading republicans by exile and death.

Those preliminary steps were quickly followed by enactments in the same spirit. Bills were passed for the security of the king's person and government; for limiting the number and restricting the right of petitioners; for

* The only trace of presbyterian dissent is the suspension of alderman Love, for non-compliance with the order; and he must have afterwards complied with it, as he is found voting and speaking as a member.

declaring the long parliament duly dissolved; and for restoring the bishops to their seats in the house of peers.* The first of these bills made or declared it a capital treason to imprison or harm the king's person, or depose him from his kingly title; and a high misdemeanour to call him papist or heretic, or to deny the dissolution of the long parliament, or assert the legality of the solemn league and covenant, or the legislative authority of either house without the king: the second subjected any petition of more than twenty subscribers to the sanction of three magistrates, or the majority of a grand jury, and limited to ten, under a penalty of fine and imprisonment, the number of persons presenting a petition or remonstrance to the king, or either house of parliament.

The indemnity act was regarded by Clarendon as the key-stone of the restored monarchy, and Charles was incapable of that partial gratitude to his suffering followers which might dispose him against this politic measure. He accordingly urged the commons, by letter, to hasten the confirmation of the indemnity act; a bill was immediately passed for this purpose, with, at the same time, a bill of supply, "by free and voluntary contribution of the king's subjects;" and on the 30th of July, both houses adjourned to the 20th of November.†

No church conformity bill was yet proposed, but neither was there any suggestion to confirm the "ministers' act" of the last parliament, and the presbyterian clergy had only a respite from their doom.

It is here proper to turn for a moment to foreign affairs. The Spanish ambassador, during the negotiation of the king's marriage, threw out a menace of war; but Spain was unable to re-establish her dominion over the small kingdom of Portugal, and after the conclusion of the treaty the ambassador continued at his post. Charles,

* The disability of ecclesiastics in general for exercising temporal functions, enacted by the Long Parliament, was repealed in this bill.

† The two houses waited upon the king by command, and it would appear, that he assumed the power denied by former parliaments to the sovereign, of *adjourning* the sitting of either house. His words, however, are ambiguous, "and so you *may* adjourn to the 20th of November."—*Parl. Hist.* iv. 222.

who hated the republican Dutch, and was naturally anxious to reinstate his nephew in the hereditary authority and honours of the house of Orange, caballed secretly with the Orangists against the states-general and the grand pensionary, De Witt *, and interrupted the Dutch fishing trade off the British coasts. Negotiations were opened between the king and the states, with little prospect of success.

The French monarchy had now undergone a change, which deeply affected the affairs of Europe for the next half century. Louis XIV., reputed hitherto a sybarite youth of uncultivated mind and weak character, took the reins of government into his hands, on the death of cardinal Mazarin in the beginning of this year, and surprised the world by his administration. Charles immediately opened a negotiation with Louis for secret supplies. This was his first step in the distinguishing infamy of his reign, and his confidant and agent was Clarendon.† He endeavoured, at the same time, to engage Louis in defending Portugal against Spain, and re-establishing the authority of the prince of Orange, now only in the twelfth year of his age ‡, but destined soon to enter upon a career of achievement and fortune, the historic lustre of which is impaired by its association with party interests and bigot zeal.

Louis XIV. at no period of his long and brilliant reign showed more sagacity and statesmanship than at its outset; but the great Colbert, hitherto known only as a clever subaltern of Mazarin, had just eclipsed and ruined the unfortunate Fouquet, and now mainly directed the French counsels. This minister favoured and flattered the ambition of his master, while he confined it for the present to re-adjusting the administration, and improving the resources of France, and merely

* D'Estrades, i. 147. 157.

† See Clar. St. Pap. iii., Supp., Correspondence of Clarendon and Bastide. Also D'Estrades, i. pp. 160. 168. It appears from the correspondence of D'Estrades (ibid. p. 200.), that Henrietta, duchess of Orleans, the king's sister, had already begun to mediate secretly between him and Louis.

‡ D'Estrades, i. 160. 168. 171.

assuming a higher tone in his foreign diplomacy—as the basis of his future grandeur. Louis accordingly declined or temporised with the more decisive overtures of Charles; he rejected expressly the proposal in favour of the prince of Orange, and even inclined to the patriot and republican opponents of his house. That party,—if the elect of a people should be so called,—originally formed under the auspices of the famous and unfortunate Barnevelt, now acknowledged for its chief one more illustrious and more ill-fated, John De Witt. Louis would seem, and has been supposed, to have had a sort of presentiment of his great enemy. He doubtless thought it for his interest that the two maritime powers of Europe should be hostile or opposed to each other: he could hope little of a prince brought up under the tutelage of his avowed enemies, the princess dowager of Orange, and the elector of Brandenburgh; and hence he took part with the states-general against the prince.

It was not yet his time to break with the house of Austria. He accordingly affected to respect the treaty of the Pyrenees, and said he had no interest in the defence of Portugal, which would ultimately be annexed to England. This, probably, was a suggestion of the sagacious Colbert. He at the same time offered to assist Charles underhand if he made war upon Spain, and eagerly seized the proposal whilst he artfully protracted the negotiation of the secret money treaty. *

Charles was unprepared to make war singly upon Spain in the cause of his Portuguese bride, not yet arrived in England; and the Spanish ambassador, Batteville †, was still in London, the representative of a declining nation, contending unequally with the higher pretensions and abler diplomacy of D'Estrades, who had taken the place of Bourdeaux as French ambassador soon after the restoration. The Spaniard, a bad nego-

* D'Estrades, i. 157. 160, 161. 171. 194.

† This name is frequently found written as the Spaniards pronounce it, *Vatteville.*

tiator, soon proved his superiority to the Frenchman in expertness and gallantry as a soldier. *

The question of precedence between the crowned heads of Europe, though often debated, was still undetermined. The emperor alone had an acknowledged title to the first place, as successor of Charlemagne and the Cæsars. An ambassador from Sweden was now about to enter London in state, and Batteville announced his purpose of taking the place of honour in the procession. D'Estrades appealed to the king, and acquainted his master with the claim made by the Spaniard. Louis instructed his ambassador to assert, by every means, the precedence of the crown of France. Charles declined interfering, and prohibited his subjects by proclamation from taking any part in the apprehended contest. D'Estrades reinforced his ordinary retinue with all the Frenchmen in London, summoned on their allegiance, and with a detachment from the garrison of Boulogne, disguised in his livery. The Spaniard, with only his regular suite, posted his small band with the eye of a soldier, and had taken the precaution of securing the harness of his horses with iron chains, concealed under their state caparisoning. The Swedish ambassador, count Brahe, landed at three in the afternoon of a fine autumn day near the Tower; and the two ambassadors, with their parties, instantly charged each other for the post of honour. D'Estrades' force of horse and foot more than tripled that of his adversary; but the Spaniards attacked sword in hand by small parties with so much gallantry, and such perfect concert, that they fought their way to the French ambassador's carriage, cut his traces, disabled his horses, and escorted Batteville's carriage at the head of the procession in triumph. D'Estrades, in the account given by him to his master, ascribes his discomfiture to an English rabble hired by the Spaniard to assist in the fray. The mob cheered the Spaniards from national prepossession

* Clar. St. Pap. iii. App. Puffendorf, Rer. Brand, lib. ix. Egregium virum, sed militiæ quam legationi aptiorem.

or admiration of their prowess, but interfered no further. *

The vanity of Louis was wounded to the quick by this signal disgrace.† He called upon the king of Spain, his uncle and father-in-law, to make instant reparation, or prepare for war. Philip IV. was not in a condition to go to war for a point of honour, and sent a special envoy, who declared in his name that his ambassadors at foreign courts should abstain in future from disputing precedence with those of Louis. This declaration was made publicly, in presence of the French court and foreign ambassadors, and entered in the archives of France.‡ Batteville at the same time was ostensibly recalled in disgrace, but received really with increased favour and honour by his master. Even Charles and his courtiers, with their corrupt devotion to Louis, declared that the Spaniard had done that of which an ambassador should be most proud,—an act which his sovereign publicly condemned, but privately approved.§

Foreign affairs were in this state, when the parliament reassembled on the 20th of November. The bishops, for the first time since their exclusion by the act of the long parliament, took their seats as peers. It was still in the house of commons that the reaction in favour of church conformity was most impetuous. A raving fifth-monarchy-man, named James, haranguing his fanatic followers in an alley at Whitechapel, denounced the king, his lords, and his bishops, as tyrants doomed to destruction, and was condemned

* See the various versions in Clar. St. Pap. iii., Supp. 17. Evelyn, ii. 458. Pepys, i. 214. 223. Voltaire, Siècle de Louis XIV., sub. ann. 1661. Ouvres de Louis XIV. i. 118.

† See the account given by Brienne (the son) of the violent passion into which he was thrown by the news. (Mem. Ined. ii. 220., &c.)

‡ Voltaire, Siècle de Louis XIV., sub. ann. 1661. Brienne, ibid. 222, 223. The main question, it will be observed, was still undecided.

§ "Super quo facto (the fray with D'Estrades) præsente rege questio in aula ventilabatur, quonam facto legatus quispiam maximam gloriam sibi præstare queat, ad quam ea decisio cum aulicorum adplausu excipiebatur — si quid faciat quod ipsius princeps palam damnet, secrete probet. (Puff. Rer. Brand, ibid.) It appears from a memoir of Louis to D'Estrades, (Clar. St. Pap. iii., Supp. p. 17.) that Charles offered to order Batteville out of England, and that Louis, "preferring the king's interest to his own satisfaction," declined the offer.

and executed as a traitor.* Some violent pamphlets and printed discourses in favour of presbyterianism and the covenant were at the same time published. Advantage was taken to propagate rumours of a general insurrection, embracing the sectaries, the presbyterians, and the disbanded officers. The commons had no sooner taken their places than sir John Packington, member for Worcestershire, gave information of a dangerous presbyterian plot in his county. Other county members gave similar information. These awful disclosures were communicated to the lords by the commons, and Clarendon confirmed them by a message from the king. To prepare the way still further for the tyrannic measures in contemplation, that most suspicious engine of government, a secret ministerial committee of parliament, reported in detail the existence of a wide-spread conspiracy, and its report was made by him who most probably was its author — Clarendon. The falsehood and fabrication of these conspiracies, whether rumoured abroad, or formally reported by authority, have ceased to be the subject of dispute.†

1662. The commons, who far outstripped the lords in zeal, notwithstanding the recent accession of the lords spiritual, did not rest here. They required a further sacrifice of the surviving regicides. They passed a bill for executing the sentence of death on them; ordered several to be drawn on sledges, with ropes round their necks, from the Tower to the foot of the gallows at Tyburn, and back to prison‡; and voted an address to the king for the trial of Lambert and Vane.

* His wife petitioned the king in person, and was told by him that her husband was "a sweet gentleman." She continued to ask for mercy, and Charles stopped her by saying "he was a rogue, and should be hanged." (Trial.) He avowed his belief in the millennium, but denied the words charged upon him on the scaffold.

† See Ralph, i. 52—55. notes.

‡ This order was executed upon lord Monson, sir Henry Mildmay, and Robert Wallop. (Pepys' Diary, i. 130.) Several of the convict regicides kept prisoners were called to the bar of the house, and asked what they had to say why the sentence of death should not be executed upon them. They alleged their having surrendered themselves on the faith of the king's proclamation; and Henry Marten added, that "it would be hard upon him to be hanged for obeying the only king's proclamation he had ever obeyed in his life." (Parl. Hist. iv. 226.)

The crusade of the commons against the non-conformists had been somewhat checked, before the adjournment, by the peers. It is not that the latter had the merit of more tolerance or moderation. But many of them were renegade presbyterians, who had been leaders of that party in the long parliament, and retained some vestiges of shame or conscience. It was now renewed with fresh vigour. The court had resolved to disqualify the presbyterians for civil rights as well as ecclesiastical benefices, and began with the former.

A bill was passed by the commons "for governing and reforming" corporations. This reform was to be effected by a declaration, which should be subscribed by all corporate officers, on pain of removal: first, that the solemn league and covenant was unlawful; and a declaration, on oath, that the declarant abhorred as traitorous the doctrine of taking arms, *under any pretence whatever*, against the king, or *those commissioned by him*. Eminent writers have tried to palliate, if not to justify, this sweeping enactment of non-resistance. But no force or artifice of rhetoric or reasoning can disguise its renunciation, before God and man, of all legal as well as natural liberty. The test was yet taken by many presbyterians; and those conforming politicians may be regarded as the parent stock of the party which soon acquired distinctive consistency and force under the name of Whig. The famous Prynne wrote a pamphlet against the bill: he was a member of the house, and the speaker reprimanded him as a scandalous libeller, who fully deserved the sentences of imprisonment, pillory, and mutilation, to which he had been subjected by archbishop Laud and the Star Chamber. His spirit was now wasted, or he shared the degeneracy of the time: he made an abject apology, and became keeper of the records.*

The conformity bill soon followed, but was delayed and modified by the lords. A conference took place: the commons resisted mitigations proposed by the peers,

* Athen. Oxon., art. "Prynne."

the latter surrendered their amendments; and that conformity bill, which proved a death-blow to presbytery, passed both houses.

It will here suffice to state its two leading provisions: first, that every parson, vicar, or other minister, should not only read the service from the common prayer-book, but declare his unfeigned assent and consent to all and every thing therein contained; next, that he should receive, if he had not already received, episcopal ordination before the feast of St. Bartholomew, on pain of deprivation.

The quakers petitioned the king and the parliament for toleration, or rather for common humanity. It appeared from their petitions that their meetings for prayer were violently interrupted; their persons trampled under foot, and flung into horse-ponds; and that between three and four thousand were thrown into prison since the restoration. * These peaceable and benevolent visionaries, who had the rare merit of being actuated by sectarian zeal without sectarian animosity, were answered with a bill which made it penal for them to refuse being sworn, or to meet in prayer.

Free thought, no less than armed valour, had stemmed the tyranny of Charles I. This loyal parliament, as it is styled in many histories, was resolved to chain both to the earth. It placed the press under the control of a licenser; and formally made a declaratory enactment, that, by the law of England, the king had the *sole* and *supreme* power over all forces by sea and land, and all fortresses or strong places of the realm, and the parliament had no pretence of right to share therein, or to levy war, offensive or defensive, against the king, his heirs or successors.

This declaratory law may appear remedial and proper to those who take a superficial view of the usurpations so called of the long parliament, and forget that, at the present day, annual supplies, an annual mutiny

* Fox's Journal, 1661. Neal, ii. 621.

bill, and the responsibility of ministers, secure public liberty and the people from the power of the sword. It was avowedly, in the preamble, levelled at the Long Parliament. But if that famous conclave had not issued its adverse commissions of military array when Charles raised his standard at Nottingham, in 1642, can it be doubted that the despotic prince, who had already laid parliaments aside for twelve years and trampled upon the next succeeding parliament in the affair of the five members, would not abolish parliaments and govern by prerogative? The substantial falsehood, and even futility, of this act of 1662, was proved in 1688, when it was treated as so much waste paper. Such enactments, instead of rendering thrones more stable, are but snares for despotic or weak princes and the minions of their despotism.

The long parliament not only usurped, if it must be so expressed, the power of the sword, but struck down the oligarchic power of the priesthood and peerage. This loyal parliament restored the latter, as well as the former, by express enactment; and the revolution of 1688, whilst it unscrupulously grasped the king's power of the sword, respected the temporal and spiritual oligarchy. But if, in the progress of generations, circumstances should arise under which public reason, directed by competent leaders, should condemn the prescriptive and declaratory enactments of 1662 — thus respected in 1688 — they, too, would be treated as so much waste paper, and only prove a snare, as in the former instance, to parties short-sighted enough to depend upon them. The distribution of political power is subject to constant fluctuations. Political institutions undergo less frequent change, but are not less subject, in process of time, to be set aside or recast.

It may be observed, that the measures of the court and of the house of commons were mainly levelled against the presbyterian party. The reason was, that this party alone, from its numerical strength and favourable position, was formidable to the royalists and high

churchmen. The Roman catholics and sectarians, or popery and independency, were held in equal abhorrence, but were too weak to be seriously feared. The independents, who were beyond the pale of comprehension, and had little hope of a toleration, saw with pleasure the retribution which was overtaking the intolerant presbyterians.* The catholics, who thought they might profit by any relaxation, joined the presbyterians in resisting the conformity bill; and lord Bristol, their leader†, employed his influence with Charles to keep the bishops out of the house of peers.‡ They petitioned the peers, and secretly solicited the king. Charles, suspected thus early of being "popishly inclined," and perhaps, really indifferent, was favourably disposed to men who had shed their blood freely in the royal cause.§ But neither the king's favour, nor their services, could prevail against the horror of popery, and the policy of Clarendon; and they continued subject to the penalties of recusancy.

Charles more than once during the session urged upon the commons his necessities, and called upon them for a supply. His wants arose from the expenses of his government and his court, his own prodigality, and the falling short of the supplies voted by the convention parliament. After some delay, which seems to have been caused not by any reluctance of the commons, but by their eager and excessive zeal for carrying through the corporation and conformity bills, they granted a subsidy of 1,200,000*l.* and imposed a tax of 2*s.* a year upon each chimney hearth in every house rated above 20*s.* a year *for ever*. The slowness with which the supplies came in, and the king's distress meanwhile, produced an incident which merits notice. A bill was brought in for obtaining him a loan upon

* See the representation of Dr. Owen to lord Clarendon, cited in Ralph, i. 52.

† He was a convert to the church of Rome; but whether from conviction, ambition, or caprice, was doubtful.

‡ Clar. Continuation, 1661.

§ Of 5000 royalist gentlemen who fell in the civil war, 170 are stated (*Neal*, 590.) to have been catholics.

mortgage of the supplies; and this first step in the great art of borrowing on the public faith was received with so much disgust* "by the house and the country," that the king desired in a formal message that the bill should be withdrawn.†

This memorable session was closed on the 19th of May. Charles, in his harangue, rebuked the prodigal manner of living which he said prevailed throughout the nation; admitted freely that he was not himself blameless; promised to become an example of reform; and was followed by the chancellor, in a laboured and most disingenuous review of public affairs. Clarendon could not again resort to alarming denunciations of secret conspiracies, — all was tranquil; but he cited Livy to prove that the public quiet was but a new kind of sedition: — "Novum seditionis genus silentium otiumque inter cives."

The conclusion and terms of the treaty for the king's marriage with the princess Catharine of Portugal have been stated. Admiral Montague, now earl of Sandwich, having received possession of Tangiers as part of her dowry, proceeded to Lisbon, took her on board as queen of England, and on the 20th of May landed her at Portsmouth, where she was received in due form by the king, her husband. Writers differ respecting her person and accomplishments. The subject matter is no longer worth a moment's pause. It will suffice to state, that he who was most interested declared himself pleased with her conversation and person.‡ She was put to severe trials, which only proved her to possess good temper, and that constitution of mind which is called character. Charles appointed his mistress, lady Castlemain, one of her ladies of the bedchamber; and the queen, after the first shock, submitted to the presence, the services, and the

* Message of Secretary Morrice, Jour., Feb. 18. 1662. Parl. Hist. iv. 239.
† Id. Ibid. The interest was to be 10 per cent.
‡ Letter of Charles II. in Macpherson's papers, i. 22. See also Clar. St. Pap., vol. iii. Supp.; Continuation, &c. 318., 8vo edit.

triumphs of the prostitute peeress.* It was much thus to subdue what is called the ruling passion of the sex in herself; but this princess did more: her conduct disarmed the most malignant of all antipathies, that of religion, in the people.

The house of commons, it has been observed, demanded the trial, or rather the execution, of Lambert and Vane, state prisoners since the restoration. It is necessary to repeat here†, that they were excepted from the act of oblivion, that both houses at the same time petitioned the king for their lives‡, and that the king promised his compliance.§ The new parliament disdained the moderation of the convention, and clamoured|| for their blood. They were accordingly brought to trial in a few days after the prorogation. Neither had sat in judgment upon Charles I.: their crime was their having served the usurpation — now the style and title of the commonwealth. Lambert, a brave soldier, but a weak man, confessed himself guilty, made abject supplication for the royal clemency, and was suffered to reach the end of his natural life in the island of Guernsey, either wholly unthought of, or remembered only to be despised.

Vane had the reputation of wanting personal firmness. He defended himself on his trial with undaunted resolution, and never gave more shining proof of the elevation of his talents and his principles. The indictment charged him with treason against the person and government of Charles II.; and the overt acts to sustain it were his official acts¶, as a public

* Clarendon tried in vain to dissuade Charles from this outrage to the feelings of the queen, and the morals of the people; and, after describing (Continuation, &c. 326,) "the woman who prostituted herself to a king" as "infamous to all women of honour," had the baseness to mediate in the matter between the king and queen. (Id. Ibid.) He further throws the blame of Charles's profligacy upon his debauched companions, who corrupted him by setting the example, and placing in his hands a printed history of the amours of his grandfather, Henry IV. of France.

† See last Vol. ad finem.

‡ Jour. Sep., 1660.

§ Thurloe State Papers, vol. vii. page 914.

|| The house of commons importuned the king by three votes on the subject. (See Jour., July to February, 1661, 1662.)

¶ Such as sitting in the council of state, and signing admiralty warrants.

servant of the commonwealth. His defence was, first, that he acted under the authority of the parliament, then the supreme, sole, and established governing power in England; next, that the authority of the parliament was legal and supreme, and the cause which it vindicated just and sacred before God and man. The judges decided that Charles II. was king of England *de facto* as well as *de jure,* whilst he lived a wandering exile, repudiated even by foreign courts; and the pretence of this revolting iniquity was, that there was then no person in England assuming the style and title of king. The verdict of guilty against Vane was, under the circumstances, a matter of course. He offered a fruitless bill of exceptions founded on the king's pledged faith to the late parliament. Charles broke his faith, and thereby left one of the darkest stains upon his personal character.

On the 14th of June, sir Henry Vane was led on foot to the scaffold at Tower Hill. There are preserved minute particulars of his demeanour and treatment.* He was clad in a black suit and mantle, with a scarlet waistcoat showing itself at the breast, his head uncovered, his eye bright, his colour unchanged. It was remarked that he showed the solemn calmness of a mere spectator of the scene. He proceeded to address the people from written notes, but was soon interrupted and reviled by the lieutenant of the Tower. The sheriff snatched his notes from his hand, whilst the lieutenant ransacked his pockets for papers, and trumpets were sounded to drown his voice. He appealed from men to Heaven, and submitted to his fate. His last words, as he knelt before the scaffold, were, "Father, glorify thy servant in the sight of men, that he may glorify thee in the discharge of his duty to thee and to his country."

The death of Vane has been ascribed to his having produced the minute of council in evidence against Strafford; and Echard, in his perfidious compilation, ventures to declare the death of Vane on the same spot

* See his trial in Howell's State Trials, vol. vi, for many curious citations, legal and miscellaneous, relative to his death and character.

where Strafford died a judgment of God. But Charles had not virtue enough to inherit either the remorse or vengeance of his father, for the sacrifice of that famous minister; and his own letter to Clarendon shows that he broke his faith from fear and hatred of the virtue and intrepidity with which Vane defended his life and vindicated his principles on his trial.*

The king and his chief minister came to the determination of "putting out of the way" † a man in whom the genius of the commonwealth survived. Vane belongs in a peculiar manner to that epoch. It has been remarked, as anomalous and extraordinary, that a diplomatist, an administrator, and statesman, of versatile accomplishments and superior genius, should indulge in the wildest mysticism as a religionist: but the simple and obvious truth is that he was more than ordinarily imbued with the spirit of his age. With the visionary fervour of his religion he combined the first principle to which he would have been led by the light of reason and philosophy — that of religious toleration. In this, however, he but shared a virtue of the independents. All sects are ready to preach toleration when they are the party oppressed. The independents alone have passed that sure ordeal of principle, the possession of power. The liberty of conscience, which they asked when they were weak, they gave when they became strong.

The death of Vane was not the only sacrifice offered up at this period by way of supplement to the regicide victims of the preceding year. Three officers of the late army, implicated in the execution of the king, Okey, Corbet, and Berkstead, had fled to Holland from the vengeance of the restoration. Downing, Cromwell's ambassador at the Hague, and continued at his post by the king, demanded the surrender of their persons from the states-general. It was the usage of the states to comply in form with such demands, but to warn the persons

* See the letter in Harris. Life of Charles II. (vol. v. of the "Lives, &c.," page 32.), printed from a MS. collection.

† The letter above referred to. Clarendon has passed in silence over this black transaction in his Continuation.

claimed in time for their escape. Downing, aware of this, entrapped the three exiles, by a perfidious device, within his immediate reach; he seized their persons, and sent them off to England with such celerity, that the states had not time to warn them before, or release them after, the execution of the warrant. They avowed their principles and justified their acts on the scaffold with the same courage which had been shown by their predecessors; and Downing, who had been chaplain in Okey's regiment *, and owed his fortune to Cromwell, was execrated for his perfidy even by the courtiers.†

The 24th of August came, and with it "the St. Bartholomew," so called; of the presbyterians. Two thousand ‡ ministers, having taken leave of their congregations by farewell sermons, sacrificed their benefices to their consciences. It is recorded as an act of heroic disinterestedness. This is exaggeration: the merit of the martyrs was merely that of abstaining from an imperishable scandal upon themselves and their creed. It was thought advisable by Baxter, and other leaders of the sect, to sustain their tottering virtue by the example of resignation some weeks before the appointed day §; and several ministers conformed.||

Some allowance should also be made for the episcopal hierarchy and clergy, or, rather, for human nature. The printed martyrologies of their clergy who suffered when prelacy was abolished, with the motto,

* Ludlow, Mem. 3. ad finem.

† Pepys's Diary, i. 134.:—"Downing, like a perfidious rogue," &c. "All the world takes notice of him for an ungrateful villain for his pains." Ibid., 135. Dr. Lingard, on the authority of one of Clarendon's memoranda (St. Pap., vol. iii. App.), gives Charles credit for checking the disposition of parliament to shed blood. But the king's subsequent letter to Clarendon respecting Vane, before cited, and the execution of these three unfortunate fugitives, thus treacherously brought within his power, show how little weight should be given to that memorandum as a proof of his humanity. His language even is that of an indolent voluptuary, who disliked the trouble of executions; not of a person reluctant from feeling to take away life: "I am," says he, "*weary of hanging*, except for new offences"

‡ See Hallam Constit. Hist. ii. 462. note *.

§ Baxter's Life, p. 2. p. 384.

|| "Many," says Neal (ii. 635.), "complied with the terms of conformity, not because they approved them, but *for the sake of their families*, or because *they were unwilling to be buried in silence*, as bishop Reynolds, Wilkins, Hopkins, Fowler, &c."

"Nec lex est æquior ulla," &c., reminded the presbyterians with stinging truth of their own intolerant covenant.* But there was one part of the conduct of the long parliament which they had no disposition to imitate, and carefully left out of view,—the assignment of a fifth part of the revenues of the church as a provision for the deprived clergy. Of this suppression, however, the presbyterians could not justly complain. The merit of the assignment belonged not to them, but to the republican statesmen of the commonwealth.†

The course of policy and state of morals which marked the aggregate of persons, spiritual and temporal, constituting the court and government, began to fill all reflecting minds with disgust and alarm. The bishops indulged in the vices of pride and even debauchery; the king abandoned all cares of state, for buffoonery and sensuality in the company of parasites and mistresses. The duke of York followed his example with awkward inaptitude; and the duchess, after some explosions of jealousy, avenged herself by receiving the attentions of that brother of Algernon Sydney‡ who afterwards figured in the revolution of 1668. The particulars of these court orgies and intrigues may be easily found in the private memoirs and letters of the time.§ They are inconsistent with the taste and dignity of any pages pretending to be historic.

A court abandoned to reckless profligacy was naturally reduced to great straits for money, and as naturally prepared to take the basest ways for providing it. This led to one of the most unpopular transactions of the time, the sale of Dunkirk. The historic interest of this event now mainly consists in its bearing upon the character of Clarendon. Two questions arise: whether he

* See "Brief Martyrology, &c. of the London Clergy." (*Har. Miscel.* v. vii. p. 181—185.)

† See Vol. VI. Chap. 4.

‡ Called "le beau Sydney" in the Memoirs of Grammont.

§ See, in particular, Pepys's Diary about this date, and in the succeeding period. Pepys (ibid.) gives a curious proof of the seeming instability of the bishops. Some presbyterians who renounced the strictness of the sect, and visited theatres and taverns with the fashion of the restoration, began to fear that they had miscalculated, and prepared themselves for the return of presbytery by relapsing into puritan sanctity and horror of profaneness.

was the chief adviser, or only a reluctant party; and whether he was bribed by the king of France. The former is circumstantially denied by himself *, and he is confirmed by two authorities: — a letter of sir Robert Southwell, addressed, in the year 1700, to the second lord Clarendon, son of the chancellor; and an entry in Pepys's Diary. The writer of the letter states, that, being at Madrid, 1667, when lord Sandwich was ambassador there, that lord, after stating the expense and inutility of Dunkirk to England, used these words:—"I was the first man that ever moved the king to part with it, although my lord chancellor, who is now thrown out, has undergone the blame." † Pepys, in his memorandum of a confidential conversation with Sandwich, — the latter being then about to leave England on his embassy to Spain, and haunted with the fear of impeachment in his absence, — says, "If it should be inquired in parliament into the selling of Dunkirk (though the chancellor was the man that would have sold it to France, saying the king of Spain had no money to give for it), yet he (Sandwich) will be found to have been the greatest adviser of it, which he is a little apprehensive may be called upon by this parliament." ‡ But the correspondence of D'Estrades on the subject fixes the original suggestion of the sale upon Clarendon, and supplies a key to his version of the affair. § It ex-

* Continuation, &c., vol. ii. p. 390. &c.

† Clar. St. Pap. v. iii. Supp. 15.

‡ Diary, H. i. 384. There is another entry (Oct. 27. 1762, when the transaction was yet fresh), in which Sandwich expresses his surprise and scorn at the ignorance of those who valued Dunkirk as a useful possession to England, or dangerous to her in the possession of a foreign power.

§ The lord treasurer, who was most troubled when money was wanted, had many secret conferences with the general, and with the best seamen, of the benefit that accrued to the crown by keeping of *Dunkirk*; the constant charge and expense whereof amounted to above 120,000*l.* yearly; and he found by them that it was a place of little importance. It is true that he had conferred of it with the chancellor, with whom he held a fast friendship; but found him so averse from it, that he resolved to speak with him no more till the king had taken some resolution; and to that purpose, he persuaded the general to go with him to the king and to the duke of *York*, telling them both, that "the chancellor must know nothing of it." And, after several debates, the king thought it so counselable a thing, that he resolved to have it debated before that committee which he trusted in his most secret affairs; and the chancellor being then lame of the gout, he commanded that all those lords should attend him at his house. Beside his majesty himself, and the duke of *York*, there appeared

hibits him as the sole author and adviser of the project, and communicating it to Sandwich, Monk, and other members of the council, in order to shift or share the responsibility of a transaction which might cost him his head.* The visit of Charles, his brother, and his chief counsellors, to Clarendon †, in order to overcome his repugnance, may be confidently pronounced a scene contrived by the king, the duke, the chancellor, and probably the treasurer Southampton, to impose on Monk, Sandwich, and the rest of the council.‡

But of personal corruption on the part of Clarendon there is not a vestige of proof. The popular name of Dunkirk House, given to his new mansion, was but an embodying of a popular calumny. Yet his character, when closely viewed, instead of repelling as it is maintained by many writers, would rather invite the charge. A subaltern agent of the French court offered him a bribe in terms the most undisguised and direct, with-

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the lord treasurer, the general, the earl of *Sandwich*, the vice chamberlain, sir George *Carteret*, who had been a great commander at sea, and the two secretaries of state. When the king entered the room with the lord treasurer, he desired his majesty, smiling, "that he would take the chancellor's staff from him, otherwise he would break his head." When they were all sate, the king told him, "They were all come to debate an affair that he knew he was against, which was the parting with *Dunkirk*; but he did believe, when he had heard all that was said for it and against it, he would change his mind, as he himself had done." And so the debate was entered into in this method, after enough was said of the streights the crown was in, and what the yearly expense was. — *Continuation*, &c., v. ii. 384, 385.

* See "Traité fait pour l'achat de Dunkerque," &c., in D'Estrades, tom. i. p 398 &c :—"Que du moins le chancelier demeurerait exposé à une censure publique, qui mettrait sa vie en péril; que son sentiment avait été après cela d'en faire un présent à votre majesté, et de laisser dépendre la récompense de sa libéralité; mais que, comme il n'était pas le maître, et qu'il avait un notable intérêt de se ménager dans une affaire si délicate que celle-ci, *il était obligé de cacher ses sentimens, et de paraître adhérer à ceux des autres, afin de n'être pas pris pour le principal promoteur du traité.*" P 334, 335.

† See note §, last page.

‡ This supposition may be thought violent or improbable, considering the persons and the occasion; but such a device was really characteristic, both of the minister and the king. Clarendon, in a conference with D'Estrades at this very time, urged upon him the interest which the king of France had in supporting Portugal against Spain. The king suddenly presented himself with a letter from the queen of Portugal, imploring, *le larme à l'œil*, the aid of Charles, and his influence with Louis, to prevent the ruin of Portugal. D'Estrades wrote all this to his master, who assured him in reply that the king's visit was an artifice preconcerted with Clarendon; and the letter a fabrication, designed to engage him (Louis) in a war with Spain. — See D'Estrades, i. 359.

out offending his virtue, his delicacy, or his pride; but it must have been declined by him, inasmuch as he did not comply with the condition.* He negotiated between Charles and Louis pecuniary relations, as scandalous as the secret money treaty of Arlington and Clifford†; and at this very period he was ready to abandon Flanders to Louis, upon the criminal condition, that the latter should furnish Charles with a French force of 10,000 foot and some cavalry‡, to assist in quelling any turbulent movements of his subjects. The wonder or anomaly is, that he whose ministerial agency was so base should be personally intact.§ It may, perhaps, be accounted for, by supposing that Clarendon, in the excess of his royalism, looked upon kings as placed above the moral distinctions and obligations which exist for others; and mistook disinterested compliance, however otherwise base, for the obedience of a faithful minister.

The negotiation, however secretly conducted from the end of June to the end of October, did not escape detection. It was not merely unpopular, but odious. The merchants of London contrasted the debasement of the restoration with the greatness of the commonwealth‖; and, accurately appreciating the king's character, offered money to dissuade him from abandoning so basely a monument of English valour and power, which the illustrious usurper would sooner die than part with.

Charles reaped the full fruits of his bargain only in its disgrace. It was agreed that the price should be paid in bills due at successive periods: the king wanted ready

* See Clar. Stat. Pap. v. iii. Supp.

† Ibid. and D'Estrades.

‡ "Dix mille hommes de pied et quelque cavalerie."—*D'Estrades*, v. 450. See a corroboration of this in Clarendon's own letter to D'Estrades, Clar. St. Pap. vol. iii. Supp. 23. Here are Clarendon and Charles doing in cold blood, and on the mere contingency of revolt, that which is branded as infamous when done by Sunderland and James, in the midst of domestic conspiracy and foreign invasion. It is true, the criminal engagement was not entered into; but the reason obviously is, that Louis was not yet prepared to break with Spain, and invade Flanders.

§ See, however, the charge against him of levying corrupt contributions upon the royalists, in Burnet, i. 179.— Note of Lord Dartmouth.

‖ Pepys's Diary.

money; and a secret agent of Louis, professing to act on his own account as a banker, bought them up at a discount of 16 per cent.

1663. It was some years before the sale of Dunkirk was made a specific charge against Clarendon: but his credit with the king was already giving way. His virtue was accommodating and pliant; but the very name of virtue was hateful to the dissolute minions and mistresses of the king. Buckingham accustomed Charles to be amused with the exercise of his buffoonries, at the cost of the chancellor; and lady Castlemain, employed against him all the influence of an artful mistress over a voluptuary lover.*

The chief shock given to Clarendon's ministerial power was the removal of sir Edward Nicholas, his long-tried friend, from the post of secretary, to make room for sir Henry Bennet, afterwards earl of Arlington. A minister of less sagacity, but more virtue, than Clarendon would have seen that his time to retire was come; but the servile chancellor, clinging to the service after he had lost the confidence of his master, was henceforth content to follow, instead of guiding, the counsels of the court.

The opening of parliament stood for the 18th of February. It was immediately preceded by two incidents which require notice. The one was the announced detection of a sectarian conspiracy to subvert the government. Six persons of obscure condition were convicted at the Old Bailey of conspiring to take the Tower and Windsor Castle by surprise, depose the king, and restore the commonwealth. The only material witnesses were infamous persons, who, by their own account, first decoyed, and then denounced them; and the chief instrument of the court was sir Richard Brown, a renegade presbyterian, who had served as major-general in the army of the commonwealth.† There was a vague rumour of a republican conspiracy; but the existence

* Ralph, i. 83, 84. n. Athen. Oxon.
† See Ludlow, Mem. v. iii. sub. ann. 1662.

of any substantive plot is generally disbelieved, and the court is supposed by some to have been actuated by panic fear; whilst others regarded the plot as got up by Clarendon and the court, to divert the public attention from the sale of Dunkirk.

The sacrifice of six miserable victims on the scaffold, and the arbitrary incarceration of suspected persons by hundreds, passed lightly over the mind of the people and the parliament: — a ferment was excited by the second occurrence, — the issue of a declaration of indulgence by the king.

Indulgence to religious conscience involves a principle happily so sacred at the present day, in the contemplation of most persons moderately endowed with honesty and reason, that the tyrannic pretensions, and questionable motives of Charles, in issuing this declaration, are liable to be overlooked. The conformity bill was framed, and the presbyterian ministers ejected, during the ascendency of Clarendon and the bishops, in direct violation of the king's declaration from Breda, upon the pretext or the ground that his pledge was given subject to the advice of both houses. Partisan* historians have ascribed this declaration to the king's grateful sympathy with the suffering presbyterians, who had so great a share in his return, and to his uneasiness under the violation of his word. The character of Charles would alone suffice to negative this supposition. He was really actuated by his desire to relieve the catholics, and exercise a dispensing power. The direct influence of his brother James, the new secretary Bennet, and the earl of Bristol, decided him to adopt a measure agreeable to his inclinations. † It was a marked symptom of the declining power of Clarendon. ‡

* Writers of English history are distinguished by party prejudice. Hume is scarcely an exception. This is to be accounted for, not by a deficiency of moral scruple, but by the greater freedom of opinion and of the press. Under absolute governments there is but one party, and *published* history has but one voice.

† Baxter's Life.

‡ Clarendon ascribes it to Shaftesbury, whom he hated, and who, doubtless, complied with the ruling humour of the court.

This declaration, memorable as the first step in a course of government which proved fatal to its authors, came out on the 26th of December, 1662. It was expected to conciliate, and be espoused by, the ejected ministers and oppressed communion of the presbyterian church. That intolerant party, and its recognised chief, Baxter, repudiated an indulgence which they must share with papists.* The independents, on the other hand†, true to their principle of unmanacling religious conscience without distinction of creed, considered it no hardship‡ that the catholics should benefit by the general toleration.

Yet the proposed indulgence, as affecting the catholics, went no farther than connivance at the exercise of their religion privately within doors; and there is an expression in the declaration which shows how much it is the interest of protestants to abstain from reproaching papists with the spirit of intolerance. Charles bids the catholics "not to presume so much upon his goodness as to look for toleration, or *to scandalise protestants by the open practice of their worship.*" Such was the intolerant horror with which the protestants of that day regarded the mere ceremonials of the religion of the catholics.

The court bishops, the great body of the episcopal clergy, and that portion of the royalists who considered the safety of the throne dependent upon the rigorous enforcement of conformity, opposed the declaration as a blow aimed in favour of popery at the church. Clarendon is supposed to have stimulated this resistance;

* The inquisition never put forth a more persecuting sophism than the following dilemma, by which the presbyterian Baxter, in one of his pamphlets, reasons against tolerating papists: — "Seeing there is but one safe way to salvation, do you think that the protestant way, or is it not? If it be not, why do you live in it? If it be, how can you find in your heart to give your subjects liberty to go another way? Can you, in your conscience, give them leave to go on in that course in which, in your conscience, you think you could not be saved?"

† Their chief organ was Nye, who expressed his disgust, and that of his party, at the bigotry of the presbyterians.

‡ Baxter (Life, &c. abridged) calls it "a great hardship that the presbyterians could have no indulgence without having the papists partners with them."

not, perhaps, from his principles as a statesman, which he was now too ready to sacrifice for court favour, or his place, as with the secret purpose of diverting popular odium from the sale of Dunkirk.* It was not till the meeting of parliament that the passions of interested parties, and the vague alarms of the multitude, fully exploded.†

The second session of this corrupt, turbulent, anomalous parliament was opened on the 18th of February. Charles addressed both houses in an artful speech, yet not wholly insincere. He vindicated himself from the suspicion of popery, which he called a scandal upon him; declared that in protestant zeal he did not yield even to the bishops; but said that he was "by his nature an enemy to all severity for religion and conscience, how mistaken soever."‡ His careless temper and loose belief may gain him credit for his profession of toleration.

The commons appointed the following 25th for the consideration of the king's speech, and his declaration of indulgence.§ That first declaration of indulgence only set forth the king's purpose to exercise a dispensing power with the consent of parliament.|| A bill

* Ralph, i 85.

† There is in the Harleian Miscellany a curious tract in favour of toleration, under the title "A Speech visibly spoken by a Ghost in a white Sheet of Paper, &c." It is a wonderful specimen for the time of tolerant, passionless, good sense. "The French counsellor was not mad when he told the king, 'Il valait mieux avoir une paix où il y avait deux réligions, qu'une guerre où il n'y en avait point' (It is better to have peace with two religions, than a war with none.) The Lord deliver us from the tyrant that measured all men by his own bed; and from such fools as will make every man as wise as themselves . . . . . The way to save men is not to beat nor kill them: the way to make them believe as they believe, is not to deprive them of the use of sense, reason, and conscience. Balaam's ass will rise up in judgment against such basket-hilted preachers, such wood and iron men; for he convinced his master by reason, whilst the madness of the prophet used all his force to cudgel his ass to go on, to both their destructions. They that will live in peace, must suffer others to live in peace also. . . . ." This tract is reprinted in the appendix to the Parl. Hist. vol. iv.

‡ Parl. Hist. iv. 259, 260.

§ See Journ. 478. 482. 486. 491.

|| He, at the same time, arrogates a dispensing power in the declaration, whilst he expresses his desire that the parliament would "pass" an act which may enable him to exercise with a more universal satisfaction the dispensing power which he conceives to be inherent in him.[1]

[1] See the declaration in Kennett's Register; and extracts from it in Ralph, i. 84. &c.; and Kennet, Gen. Hist. sub anno 1662.

to that effect was immediately brought into the house of lords. It enabled the king to dispense with all laws requiring conformity to the Anglican, or established, church. Lord Ashley, not yet earl of Shaftesbury, introduced and urged it, whilst two other, and more leading, ministers, Clarendon and Southampton, as earnestly opposed it, in defiance of the previously expressed orders of the king. The opposition of the bishops was more selfish, passionate, and keen.

It was expected that Charles would dismiss his disobedient counsellors; but they continued to hold the great seal and treasurer's staff. This is chiefly worth notice, as showing how unsettled and imperfect was the organisation of the executive government, and how unconscious even Clarendon appears to have been of the constitutional relation between a responsible ministry, on the one side, and the parliament and the monarch on the other.

The two houses were now touched with the rancorous fanaticism of the populace and intolerance of the priesthood. Resolutions, deprecating the proposed indulgence, were passed by the commons; and an address echoing them was presented to the king. In fine, the bill was abandoned in the lords, and the two houses joined in a representation setting forth the growth of popery, popish priests, and Jesuits. Charles bore this rebuff with his usual facility of temper and powers of dissimulation, and was further soothed by the commons with a grant of four subsidies in supply.*

He was now impatient to prorogue the parliament; when a remarkable incident delayed the prorogation. The earl of Bristol, so noted for his wayward and accomplished genius, impeached the chancellor. It would be idle to notice the articles of this abortive impeachment, which has, however, been happily characterised as containing much truth, but more malice.† Clarendon

* There is in Ralph (i 88.) a detailed statement of the king's revenue and expenditure, from a MS. collection of papers. The former amounts to 1,201,393*l.*, the latter to 1,437,000*l.*; in which appears the following item: —"Angel gold (for curing the king's evil), 5000*l.*"

† Ralph, i. 93.

scarcely condescended to a formal vindication. The judges, being referred to, pronounced that the charges did not amount to treason, and were not regularly exhibited. The matter dropped; and Bristol, mortified by his failure, or afraid of Clarendon, absconded for a time.

The motives of Bristol in so extravagant a proceeding can only be conjectured, and it would be vain to speculate on the views of a person so indiscreet and unsteady. It is supposed by some that he acted in concert with Clarendon's enemies, secretary Bennet, the queen mother, and the king's mistress, lady Castlemain*, who overrated Charles's growing alienation from Clarendon. On the 27th of July, the parliament was prorogued to the following 16th of March.†

The affairs of Scotland may be briefly dismissed. It has been observed, that the degenerate parliament of that kingdom, at the instance of Middleton, made an absolute surrender of the national liberties, spiritual and temporal, to the king. Lauderdale soon became, his rival and superior in court favour and ministerial power. That remarkable person had passions, if not principles, especially in religion; but with an overruling suppleness of ambition and personal character, which made him one of the most ready and implicit instruments of the court. With a real bias, from conviction or habit, to presbyterianism and the covenant, he was now the foremost in advancing prelacy and prerogative. He completed the debasement of the parliament of Scotland, by obtaining from it a transfer of its attributes, to the lords of articles, and a tender of 20,000 foot, and 2000 horse, ready to

* Ralph, i. 91.

† A curious incident took place this day in the house of lords. Charles had professed his intention to repress prodigality, immorality, and profaneness, in his declaration of indulgence and his speech to both houses, at the opening of the session. A bill passed the lords and commons for the better observance of the Sabbath, in pursuance of this scandalous court grimace, and lay with other bills on the table, awaiting the royal assent from the king in person, before he prorogued parliament. When the hour came the bill was missing; the clerks not only cleared themselves on oath, but showed that the bill must have been carried by some one of many noble lords, who had taken the bills out of a bag, and left them scattered on the table during the morning. — *Lords' Jour.* 663., July 27. *Parl. Hist.* iv. 285, 286.

serve at the king's pleasure, in Scotland, in England, or in Ireland. The Scottish nation was now so sunk, that its history is little more than the successive phases of intrigue between Lauderdale and Middleton, in their contest for court favour and the oppression of their country.

The state of Ireland may be dismissed still more briefly. The settlement of Ireland (that is, the confirmation of the protestant and English settlers, soldiers, and adventurers in their grants of confiscated Irish estates), by the king soon after his restoration; the hardships of that severe, yet perhaps not unjustifiable, measure; the pretended Hiberno-popish plot of 1661*, which the parliament of Ireland put forward as a proof that the admission of Irish papists to reside and trade in corporate towns would be destructive of protestantism; the discontent of the Irish presbyterians at the passing of the act of conformity, which yet did not reach them; the dissatisfaction of the Cromwellian settlers with the proceedings of the commissioners of settlement sent over by the king, and their design of an armed rising against the government, not for the good old cause, but for the maintenance of their estates†; the administration of Ireland, in fine, under the lieutenancy of Ormond, recently made a Duke;—all this belongs to the history of Ireland.

There are no events in the king's foreign relations which merit particular mention; but the circumstances which led by way of prelude to the first Dutch war had already begun. The king began to tire of supporting

* There were two pretended Irish plots in this year. Of the second, which soon followed that mentioned in the text, Carte says (Life of Ormond, ii. 238.), "These proceedings, insinuating the design of a new rebellion, were founded upon very slight grounds; but there are certain subjects of so odious or popular a nature, that few men dare in public assemblies offer to stem the torrent, and speak their minds about them with freedom. Of this nature was every motion expressing a distrust of the papists, and loading them with rebellious designs; so that, though the letters which served for a foundation to these votes were a mere contrivance and palpable forgery, nobody (except the lord *Strabane*) seems to have expressed their dissatisfaction as to the proof and truth of them, or to have made any attempt to vindicate the papists from a charge so weakly supported, and so very improbable in the present situation of the kingdom."

† Carte, ii. 262.

Portugal. The English auxiliaries, bred in the school of Cromwell and the commonwealth, maintained their antient renown under the command of Schomberg against the Spaniards. But Charles was not a prince to be touched by national honour or military glory: and he was as little influenced by the entreaties * of an encumbering distasteful wife for her family and nation. The new secretary Bennet, who had resided in Spain, espoused the Spanish interest against Clarendon and that of France; and secret overtures were made between the courts of London and Madrid. It was concerted between them, at the instigation of the court of Spain, that the republic of the United Provinces should be tempted to join them by the offer of a project of federal union between that republic and the other Netherland provinces, for their common defence. Downing, the English ambassador at the Hague, accordingly cooperated with the Spanish ambassador, Gamara, in promoting this design. The project was essentially Spanish, — for its object was to check the undisguised ambition and growing power of Louis XIV.

John de Witt, grand pensionary of Holland, whose life is so illustrious, and whose death is so mournful, had now the chief power in the government of the republic. He rejected the proposed confederacy, formed a close alliance with France, and incurred the reproaches of English Whig historians, echoed through succeeding generations upon his memory.† There is something suspicious in the reluctance with which these writers do homage to his virtue, and the willingness with which they dilate upon the misfortunes of his administration. In this instance it will suffice for his vindication, that his position, or, rather, that of his country, in relation to the different parties, should be considered without

* Her supplications, during an alarming illness, to the king, for the protection of her native country are mentioned by many writers, and did honour to her.

† De Witt, set up a counter-project for erecting the Spanish Netherland provinces into an independent republic, under the protection of the States and France. — (See D'Estrades, ii. 269.)

reference to subsequent events, which could not be foreseen. He knew and declared * that he could place no reliance on a prince not only without honour, but incapable of an enlightened steady view of his own interest; and who had already proved his eagerness to subject the government of the republic to the hereditary authority and usurping spirit of the house of Orange. The Orangeists were combined with an English and a Spanish faction, throughout the union, and these supported from abroad, by Spain and England, would overpower the friends of freedom and the republic. Louis XIV., on the other hand, had as yet neither means nor motives for trenching on the independence of Holland: he had rejected every overture of Charles for restoring the dangerous power of the house of Orange in the person of the young prince; and his alliance sufficiently insured the safety of the republic in case of war.

Petty differences, it has been already stated, arose between England and Holland, soon after the restoration; but Cromwell's peace was renewed between the king and the states in April, 1662. Charles, after this, attempted to conciliate De Witt, by professions alike hollow and unavailing. After the refusal of the proposed confederacy with England and Spain, began mutual exchange of complaints and criminations, for injuries to the maritime trade and foreign settlements of the respective nations, and sir Robert Holmes was sent with a fleet to protect the persons and possessions of the king's subjects against the Dutch. The first Dutch war thus hung upon a thread at the re-assembling of parliament.

A domestic occurrence, during the preceding summer had also great influence on the proceedings of this session, and on the temper of both houses. The plot of 1663, in the northern counties, is a matter of dispute and doubt as to its extent, character, and even reality, to this day. It is certain that an armed rising of a handful of enthusiasts of various sects, and desperadoes

* D'Estrades.

of various classes, but not embracing one person of talent or consideration, took place at Farnley Wood, in Yorkshire. According to the courtiers and high churchmen of the time, and the long succession of historians who have since devoted themselves, with more zeal than scruple, to the court and the church, this rising was but a partial explosion of a conspiracy of republicans and fanatics throughout England, Scotland, and Ireland. There was, certainly, a vague apprehension of some attempt to restore the commonwealth at this time; and Algernon Sidney, then in exile, left Italy for the Low Countries, in order to be near the scene of action. The duke of Buckingham, lord lieutenant of the county of York, was despatched with much pomp to quell a rebellion which the local force alone was sufficient to put down. Threats and promises were held out; ordinary and extraordinary processes of law were employed in punishing; fifteen were found guilty on trial; and no evidence of an extensive insurrection or real organisation, no trace of any person of the least consideration being implicated, was brought to light.* This tumultuary rising of a few crazed desperadoes would have been despised by a government of ordinary honesty and force. Its effects upon the court and the parliament will presently appear.†

* See extracts of letters from Misc. Aul. in Ralph, 198.

† It appears from the official letters above cited, that the government was fully informed of the proceedings of the conspirators (if they should be so named), and allowed them to go on, if it did not actually stimulate them to rise. This is stated distinctly by Mrs. Hutchinson, "because," says she, "here is so much noyse of a plott, it is necessary to tell what it hath since appeared. The duke of Buckingham sett a worke one Gore, sheriffe of Yorkshire, and others, who sent out trapanners among the discontented people, to stirre them to insurrection to restore the old parliament, gospell ministry, and English liberty, which specious things found very many ready to entertaine them; and abundance of simple people were caught in the nett, whereof some lost their lives, and others fled." — *Memoirs, &c.* v. ii. p. 310.

CHAP. II.

1664—1668.

OPENING OF PARLIAMENT. — REPEAL OF THE TRIENNIAL ACT.— THE CONVENTICLE ACT. — THE FIRST DUTCH WAR. — NAVAL VICTORY OF THE THIRD OF JUNE. — THE PLAGUE OF LONDON. — APPROPRIATION OF GRANTS IN SUPPLY. — A PLOT DURING THE PLAGUE. — THE FIVE MILE ACT. — WAR WITH FRANCE.— INTRIGUES OF CHARLES AND DE WITT. — NAVAL BATTLES. — THE FIRE OF LONDON. — OPPOSITION IN PARLIAMENT. — PROROGATION. — DISGRACE OF BUCKINGHAM. — NEGOTIATIONS FOR PEACE. — THE DUTCH FLEET ENTERS THE THAMES. — PEACE OF BREDA. — FALL OF CLARENDON. — HIS IMPEACHMENT — EXILE — AND CHARACTER.

1664. THE fourth session of this parliament was opened by the king on the 16th of March. He delivered a speech more than usually elaborate and long; yet made not the slightest allusion to the topic then uppermost in the mind of the public, the parliament, and his own — his quarrel with the Dutch. This artful silence was designed to shift from himself upon the parliament the responsibility of a measure which would prove a heavy charge to the nation. He began by adverting to their meeting at that moment; how criminal were those who whispered into the public mind jealous suspicions of his intention to discontinue parliaments; and, after expatiating on the extent and danger of the recent plot, "at the bottom of which they were not yet arrived," stated that of those conspirators some insisted on the still existing authority of the long parliament in the persons of its surviving members*, whilst others computed and maintained that, by a clause in the triennial act, this present parliament was at an end some months since, and that, for want of new writs, they might assemble themselves, and choose members for parliament.†

* See in State Trials, v. 5., "Proceedings, &c. against William Drake," or "The Long Parliament revived," and the pamphlet itself in Parl. Hist. 4. App.

† King's Speech, Parl. Hist. iv. 389, 390.

The triennial act provided — not that the duration of each parliament should be limited to three years — but that the interval between one session and another should not exceed that period; and it is expressly enacted, that, if neither the king, the lords, nor the sheriff issued the writ in due time, the people themselves might elect their representatives. Charles, after expressing his surprise that the house of commons had not yet reconsidered a mischievous bill passed "at a time very uncareful of the dignity of the crown," and declaring that "he loved parliaments," continued as follows: — "But assure yourselves, if I did think otherwise, I would never suffer a parliament to come together by the means prescribed by that bill."* Not a murmur appears to have escaped the commons whilst the king thus openly defied a legislative guarantee of liberty as clear and valuable as the petition of rights. The only spirit that could animate them to opposition and independence was the base one of religious intolerance.

This suggestion of the king led to the repeal of the triennial act. Clarendon has applied to it, in the continuation of his life †, the epithets "seditious" and "odious." But it was one of the great safeguards of the long parliament for representative government and constitutional monarchy; it was passed before the republican spirit had yet descended upon the mass, and Clarendon himself was among its advocates. This is not remarkable: he was never the strenuous friend of public liberty, even whilst he opposed the court; and it has been observed ‡, that, after the affair of the five members, he continued to sit in the house of commons for the perfidious purpose of betraying the counsels of the parliament to the king. The restoration was the era of degenerate apostacy.

It is true a provision was made in the repeal bill, that the interval between one session and another should not

* Parl. Hist., as above.
† Vol. II. pp. 420, 421.
‡ See Vol. V. p. 293.

exceed three years; and it has been observed by an eminent writer, that "the law of the long parliament thus subsisted as to its principle." * But the enactment was, in effect, a mere mockery, in the absence of any mode of enforcing the execution, or supplying the omission, of the necessary process. That great principle which shields alike the nation and the monarch, the undivided and unlimited responsibility of the advisers of the crown was then unknown. The king acted by himself, not by his ministers; there was no obligation, legal, moral, or physical, upon him to govern by parliament. The issue of his writs in short depended only upon his will and pleasure; for the parliament and the nation now appeared effete of those free spirits who resisted and controlled the tyrannic career of Charles I.

Whilst this parliament was so ready to exalt the royal prerogative, it was equally disposed to subject religious nonconformists to atrocious penalties. It passed the conventicle act. This abominable statute, after stigmatising nonconformists as schismatics, and identifying sectarianism with sedition, enacted, that persons above the age of sixteen, meeting to worship God in a manner differing from the established church, should be punished for the first offence with three months', for the second with six months', imprisonment, and for the third with seven years' transportation. Its execution was committed not only to justices and sheriffs, but to militia officers and his majesty's forces.

The recent conspiracies, for the most part fictitious, supplied the ostensible ground for this bill. It has been ascribed by some historians to the jealous spite with which the high-churchmen, clergy, and laity, beheld the respect with which the nonconformist ministers were followed by the people.† But it should rather, perhaps, be ascribed to the domineering spirit of the bishops, and the unhappy instinct, then so prevalent, of religious intolerance. It is eulogised‡, and was doubtless advised, by the chancellor

* Hallam, Const. Hist. ii. 449. † Ralph, i. 104.
‡ Continuation, &c. ii. 421.

Clarendon. The prisons were crowded with victims, and yet the virtuous Clarendon only regrets that it was not executed with more rigour, "which would," he adds, "no doubt have produced a thorough reformation."*

The quarrel with the Dutch did not yet amount to an open rupture; but the house of commons passed a resolution, setting forth the wrongs and indignities offered by them to English commerce and the king's crown, and pledging themselves to support his majesty with their lives and fortunes.† It was joined in by the lords, and graciously received by the king; and on the 14th of May parliament was prorogued. "I name November to you," said the king, "because, if nothing extraordinary fall out, I resolve not to meet till then; but, because something extraordinary may fall out, you shall be at present prorogued but till August."

The extraordinary contingency was the Dutch war. The duke of York, now lord high admiral, was governor of the African company on the coast of Guinea. He, probably, had an interest in its traffic, consisting of African slaves and gold dust,—both tempting objects to the Dutch. Sir Robert Holmes was sent out by the duke and the company with a small squadron, to recover some settlements on the African coast, claimed and captured by the Dutch, and performed this service. The famous Ruyter sailed from the Mediterranean, where he was cruising amicably with the English admiral, Lawson, against the Algerine corsairs; retaliated upon the African company the hostilities of Holmes; and captured a fleet of English merchantmen in the West Indian seas. The state papers which passed on this subject between the English ambassador, Downing, and the grand pensionary, De Witt, together with the letters of the French ambassador, D'Estrades, supply an authentic, but diplomatic (that is, disingenuous and diffuse) view of the

* Ralph. i. 104. This sentiment of Clarendon embodies the religious policy, and would warrant the *dragonnades* of Louis XIV. The English protestantism which inspired the conventicle act has little right to reproach French popery with intolerance and persecution.

† Parl. Hist. 292, 293.

merits of the quarrel. Here it will suffice to state, that the expedition of De Ruyter, by order of De Witt, violated an article of the treaty of 1662, which provided, that twelve months should be allowed for pacific reparation before hostilities; and that both the city of London and the parliament profited eagerly by this aggression as a ground of war. Preparations were begun on both sides. The Dutch, as early as May this year, worked night and day to prepare their fleet*; and the English had a strong naval force ready to put to sea, under the duke of York, lord Sandwich, and prince Rupert, early in November. Both navies however remained in port, and the negotiations continued.

Louis XIV. has been represented by some writers as fomenting this war; by others, as labouring to prevent it. The truth, perhaps, lies between them. It was his known policy, avowed soon after he assumed the reins of government, on the death of Mazarin, that the two maritime powers should exhaust themselves against each other; and this is compatible with his earnest offers of mediation at a moment when he was on the eve of war with Spain and the empire. His object might be to postpone hostilities, not preserve peace, between the English and Dutch.† The States insisted upon his obligation to aid them under their treaty of defensive alliance. Charles tempted him with a *carte blanche* for the conquest of the Spanish Netherlands. He rejected the temptation, because it was not then his interest that the states should be crushed, and England remain the sole maritime power.‡

The commons, it has been observed, pledged their lives and fortunes to the conduct of the war. Charles, not satisfied with this general assurance, held a council for the purpose of arranging measures to insure a supply. Sir Henry Bennett and Mr. Henry Coventry, who were

* Arlington's Letters, sub ann. 1664.

† This receives some confirmation from his advising the Dutch to wear out their enemy by delay, instead of sending out a fleet to meet that of England. See D'Estrades.

‡ D'Estrades, v. sub ann. 1664.

the advisers, and, according to Clarendon, the authors, of the war, suggested that a moderate supply should be asked in the first instance, in the confidence that parliament, once engaged, would defray the necessary charges. Clarendon and Southampton, adverse to the war, urged that the parliament could never be in a better temper, and might be in a worse; therefore a sufficient supply, however large, should be demanded at the outset.* Their opinion prevailed. The parliament reassembled on the 24th of November; a brief narrative of the king's relations with the Dutch, and his naval preparations, was delivered to both houses; a supply of 2,000,000*l.*, moved, in pursuance of a previous agreement with the council, by sir Robert Paston, a country gentleman unconnected with the court, was received with silent wonder, discussed with momentary warmth, then carried by a large majority,—and a declaration of war was issued against the United Provinces.

It has been observed, that one of the first measures of the long parliament was to discard the old mode of taxation by subsidies, and adopt the fairer and surer one of levying assessments. This system was continued under the commonwealth, to the restoration, and then laid aside as republican. Experience proved by comparison how greatly inferior was the royal way of subsidies, and the levy by assessments was now resumed. The assessments were to be quarterly, and the whole supply raised in three years.

Another change, more curious, if not more important, respecting taxation, took place at the same time. The English monarchy, like the French up to the revolution, comprised three estates, or orders; the clergy, the peerage, and the commonalty — and the clergy taxed themselves in convocation. They now silently acquiesced in being taxed with the rest of the community, and were admitted in return to the exercise for the first time of the elective franchise as freeholders. There is no trace of this transaction on the journals of

* Clar. Contin. ii. 434., &c.

parliament; it does not appear that it was formally submitted even to the council; and it is stated to have been not only a private, but a verbal, compromise between the chancellor Clarendon, and archbishop Sheldon.* The clergy gained by it, but reserved the right whilst they waived its exercise: such is the horror with which the spiritual order, whether papal or protestant, episcopal or presbyterian, shrinks from any innovation upon the integrity of its dominion, even for its own reasonable interests. The pretention of the convocation to make canons which should bind the laity — a monstrous anomaly in a protestant government, based as such upon the supremacy of the temporal power — had been already paralysed even before the late long parliament; and this sacred college of the protestant high church, after some faint struggles to recover its position, was finally extinguished in 1717.

The parliament was no sooner prorogued, than the whole mind of the court and the nation was bent upon the war, and the king entered into it against the advice of his wisest counsellors. War might be supposed uncongenial to a sensual and inglorious king; but it would demand from him no sacrifice of pleasure, no exercise of personal courage or activity; and it not only furnished him with a popular occasion for obtaining supplies from parliament, but held out the prospect of a rich harvest of prizes.

A fleet, less numerous but better equipped, and of more real force than that which discomfited the Spanish armada, was already afloat early in May, under the command of the duke of York, with prince Rupert, and lord Sandwich, vice-admiral, and rear-admiral of the fleet. The Dutch were somewhat slow in coming out of port. Their fleet weighed anchor towards the end of May, under the command of Opdam, a distinguished officer, in the absence of De Ruyter, not yet returned. The hostile fleets descried each other off Lowestoffe, on the morning of the 3d of June; after some manœuvring,

* See the note on this subject by speaker Onslow, in Burnet, vol. iv p. 508.

they confronted each other in line; and the ships on both sides singled out their respective adversaries. The battle raged for four hours with doubtful success. A heavy fire was directed against the duke of York's flag-ship, and lords Falmouth and Muskerry were killed at his side. A still more deadly fire was returned upon the Dutch admiral's flag-ship; it blew up with the admiral and her whole crew; and the Dutch fleet, seized with panic fear, fled in confusion. The English gave chase; but the Dutch, favoured by the darkness of night, were beyond the reach of attack, off their own shore, on the following morning. The loss of the English was comparatively light *; whilst the Dutch lost 18 ships, 7000 men, and four admirals. This victory, it is stated, would have been complete, if a servant of the duke of York, alarmed for his master's safety, or his own, had not taken advantage of the duke's taking some rest during the chase to forge or feign an order in his name for the captain of his ship to slacken sail.†

The news of this victory arrived at a time when the public heart was inacessible to joy: — it was the moment of the memorable plague of London. The capital presented a scene of loathsomeness, despair, and death, which is recorded with graphic force, if not fidelity, by one of the most original English writers.‡

Louis XIV., it has been observed, was unwilling to see the states crushed, and the English masters of the sea. This victory determined him to take an active share in the war, as the ally of the former; and he sent troops for their defence against Van Gale, bishop of Munster.

It was the first diplomatic mission of sir William Temple, to persuade or bribe this eccentric bishop to make war upon the Dutch; and it proved a failure. The bishop, after committing some predatory

* Admiral Lawson, one of the officers formed in the naval service of the commonwealth, was slain.

† Clar. Contin. ii. 289: Life of James, i. 415. See a very minute, and most probably faithful, account of this action, and the naval preparations which preceded it, in the latter, i. 404. *et seq.*

‡ Defoe, Hist. of the Plague of London. See also Loimologia, &c. Evelyn's and Pepys's Diaries, sub ann. 1665. Ellis's Orig. Lett. vol. iv. 245.

ravages, made peace with the states, under the auspices of France.* The accession of Louis to their cause, the safe return of their merchant ships from various quarters, and the arrival of De Ruyter in triumph from the Guinea coast, where he had restored the supremacy of the Dutch, raised the drooping courage of the states; and De Witt himself went on board to inspect and animate the fleet.

Meanwhile the duke of York was removed from the command by the king, out of fraternal consideration, real or pretended, for his safety. He was succeeded by lord Sandwich. There were some Dutch vessels, richly laden, sheltered in the neutral ports of Denmark, on their way homeward bound. The king of Denmark was induced by the English ambassador, sir Gilbert Talbot, to connive at their being attacked on the terms of sharing the spoil; and Sandwich, having reached Norway, prepared to attack the Dutch merchantmen in the port of Bergen. The Danish governor refused him permission to land his guns, and requested him to desist until instructions should arrive from the king of Denmark. Sandwich slighted this suggestion; and a part of his squadron having entered the port, and encountered a deadly fire from the Danish batteries, retreated with serious loss and worse disgrace. Some imputed this unhappy incident to the perfidy of the king of Denmark; others to Sandwich's eagerness to capture the Dutch ships without Danish aid, and thus appropriate the whole spoil.† His cupidity was unquestionable. He made a few captures after his failure; appropriated a portion of the lading; was removed in consequence from the command; and condemned to honourable exile as ambassador in the court of Spain.‡

Parliament stood prorogued to the 9th of October. London was still suffering from the plague; and the session was opened on that day at Oxford. Charles

* Charles, upon being applied to by Louis, not only denied Temple's mission, but disavowed all knowledge of the bishop of Munster. — *D'Estrades.*

† See note from Somers's Tracts in Ralph, i. 117, 118. note.

‡ D'Estrades, vol. ii. Pepys's and Evelyn's Diaries, sub ann. 1665.

addressed to the two houses a short, gracious, and artful speech. He excused his calling them together during the ravages and terrors of the plague, by his anxiety to inform them of the progress of a war which they had advised and encouraged, and now called for a continuance of their "cheerful supplies." For particulars he referred them to the chancellor. That minister, who had been adverse to the war, now urged its necessity, and reviewed the conduct of the Dutch, from the restoration downwards, with his usual artifices of rhetoric and bad faith, in one of his longest state speeches. He charged, among the offences of the Dutch, that they "used many insolent expressions, suitable to the manners of a commonwealth;" and that "the truth was they had a dialect of rudeness so peculiar to their language and their people, that it was high time for all kings and princes to oblige them to some reformation." He next adverted to domestic enemies in league with the Dutch, and said that the way to humble enemies abroad, was to provide for the suppression of those at home.

The house of commons voted a fresh supply of 1,250,000*l.**, to be raised by monthly assessment, upon the exact model of the long parliament, but accompanied with a proviso of specific appropriation; and an address to the king for an account of the disbursements, to be prepared and laid before them at their next meeting.

Credit has been given to this parliament for thus establishing two principles, — the application of the supplies to defined purposes, and the responsibility of the public servants of the crown for their disbursements to the house of commons. But, in the first place, they merely adopted the precedent not only of the long parliament, but of the last parliament of king James. It would appear from the share taken in it by one of the officers of the treasury in the house ‡, that the suggestion came

* A separate assessment of 120,000*l.*, to be bestowed on the duke of York for his recent services, was voted at the same time.

† Downing, who had suggested the proviso to the king, and moved it in the house of commons. He had, it is said, derived it from his observation of the financial operations of the states-general.

‡ Com. Jour. Nov. 1665.

from the court, with the view of rendering the parliament more ready to vote—the people to pay—the assessments; and capitalists, or, as they are called by Clarendon*, bankers, more disposed to advance money upon the security of the grant.†

Clarendon opposed the measure, and rebuked Downing, its author, with a vehemence so indecent and insolent, in the council, before the king's face, that Charles, with his easy temper and expertness in dissimulation, could not conceal his anger. It is now a matter of no historic importance, or important only as affecting the character of Clarendon, whether that minister was actuated by instinctive servility, or sought to sustain his tottering favour by exaggerated zeal for the prerogative. The consequence was, as he states it ‡, that he now had proofs that "he stood upon very slippery ground." It was also opposed by the capricious and unprincipled Ashley (Shaftesbury) probably for no other reason than that it had not proceeded from himself.§

Albemarle (Monk) had the merit of remaining in charge of the capital during the plague. He arrested several persons on a charge of treasonable conspiracy to kill him, seize the Tower, burn London, and make an equal repartition of property. Such a project, amidst the horrors of pestilence, is barely possible. Crazed fanatics and reckless desperadoes are capable of any extravagance. The justice of the sentence of death as traitors upon such of those conspirators, so called, as fell into the hands of Albemarle should not be positively denied, but may be doubted in the absence of sufficient evidence on either side. It was, of course, used as a confirmation of the chancellor's speech; and the English refugees in Holland,

* Contin. iii. 597. The interest upon these loans was commonly eight per cent., the rate in the money market, six per cent. — *Id. Ibid.*

† See Ibid. 599. *et seq.* The solicitor-general opposed the proviso; but sir William Coventry told him "it was brought in by the king's own directions, for purposes well understood by his majesty;" and this was confirmed by Charles himself. — *Ibid.* 500.

‡ Id ibid. 611.

§ Clarendon ascribes it to personal pique.

on the allegation of their conspiring with the disaffected in England, were attainted.*

These proceedings might be viewed with some indulgence had the commons rested here. But they passed the five-mile act, one of the most odious records of religious despotism and the temper of the spiritual order in that mournful repertory of the perverseness of human nature or human passion,—the penal statute-book, since the reformation. This act made it severely penal for any non-conformist minister to teach in a school or come within five miles (excepting as a traveller in passing) of any city, borough, or corporate town, or any place whatever, in which he had preached or taught since the passing of the act of uniformity; unless he had previously taken the oath of non-resistance; that is, unless he had sworn that it was unlawful to take arms against the king under any pretence whatsoever, and that he abhorred the traitorous position of taking arms by the king's authority against his person or *those commissioned under him.* It was proposed by Vaughan, one of the most eloquent members of the house †, that the word "legally" should immediately precede "commissioned." Finch, solicitor-general, argued that legality was implied, and the house agreed with him. The preamble set forth that the non-conformist ministers "took opportunity to distil poisonous principles of schism and rebellion;" thus coupling, by way of identity, dissent from the high church with disaffection to the state, which was, indeed, the constant pervading policy of Clarendon and the bishops.‡

* It is certain that De Witt and Louis, in their communications through D'Estrades (see his negotiations, vol. ii. sub ann. 1665), took into their consideration, among other modes of distracting the government and weakening the force of Charles, that of fomenting disturbances in England. Algernon Sidney came to Paris, and offered to produce a republican rising in England, if Louis supplied him with 100,000 crowns. Louis offered 20,000, which was insufficient, and the matter ended.—Œuvres de Louis, XIV. tom. ii. p. 204.

† Pepys's Diary.

‡ "The cabinet undertakers," says Ralph, i. 126, "at this crisis, very artfully incorporated the designs of the church with those of the state; and that the king had reason to believe, that, unless he abandoned the consciences of his subjects to the clergy, the crown could never be able to do what it would with their liberties and estates."

It was vainly opposed in the house of lords by Shaftesbury and Wharton,—relapsing to that liberty of conscience which was the creed of the commonwealth. The opposition of Southampton, with his principles as a royalist and his friendship for Clarendon, was honourable to him.

The high church party, encouraged by this disreputable triumph, attempted, by a stride still more violent, to place its foot upon the neck not only of the non-conformist ministers, but of the nation. A bill for imposing the oath of non-resistance on the whole nation was brought into the house of commons, and thrown out by an accidental majority of three voices.*

The parliament was prorogued to February, but did not meet till the following September.

1666. Louis continued to mediate between the states-general and Charles, after he had virtually declared for the states, by sending troops to protect their frontier against the bishop of Munster. His fear that both parties learning wisdom from the experience of the first year of hostilities, might settle their differences without his interference, and to his prejudice†, together with his hope of engaging the states in the execution of his designs upon the Spanish Netherland provinces‡,—determined him to recall his ambassador from London, and declare war against England, in January, 1666. He at the same time compelled the Dutch to defray not only the whole charge of the French auxiliaries, but the expences of his envoy's mission to London, for the purpose, as he called it, of procuring them peace. "Never," says

* "The providence by which it was thrown out was very remarkable: for Mr. Peregrine Bertie, being newly chosen, was that morning introduced into the house by his brother, the now earl of Lindsey, and sir Thomas Osborne, (Dunby), now lord treasurer, who all three gave their votes against the bill, and the numbers were so even upon that division, that their three voices carried the question against it." Locke's letter from a person of quality. "Three voices," says Ralph, "had the merit of saving their country from the greatest ignominy that could have befallen it—that of rivetting, as well as forging, its own chains."

† Œuvres de Louis XIV. ii. 6.

‡ Id. Ibid. 7. The recent death of his father-in-law, Philip IV. of Spain, hastened the execution of these designs.

Voltaire, "was succour given with a worse grace, or received with less gratitude." *

Charles, or his counsellors, acted with a show of spirit. Holles, now English ambassador at the court of France, was instructed to return without a word of explanation to that court. Louis, from his characteristic arrogance, or perhaps, his just appreciation of his brother monarch, expressed his surprise at what he called a bold proceeding.†

The negotiations with Spain were slow; and Charles, to adopt the words of Louis, could see none but enemies from Bayonne to Norway.‡ He, however, had but one enemy on that element, where alone the issue would be decided. The Dutch called upon Louis to join his fleet with theirs; but the few ships which constituted at this period the navy of France were making war upon the Turkish corsairs, under the command of the duke of Beaufort, in the Mediterranean, with the exception of a single fire-ship, which remained at Mardyk or Brest.§

The duke of York continued at the head of the admiralty; but prince Rupert and the duke of Albemarle commanded the fleet. They put to sea in May, swept by the shores of Holland without meeting an enemy, and

* Siècle de Louis XIV., sub ann. 1665. The correspondence of D'Estrades, and the more recent publication of the declamations for the most part of Pelisson, given to the world under the title of "Œuvres de Louis XIV," prove this boasted and boasting monarch to have avowed, as well as acted upon, motives not only of unscrupulous ambition, but of sordid interest; whilst magnanimity and glory were perpetually in his own mouth, and in the mouths of his flatterers. Voltaire's over favourable judgment may be ascribed to his enthusiasm for letters and the fine arts, and to his having written his "Siècle de Louis XIV." at an early age.

† D'Estrades.

‡ Ibid.

§ Voltaire, Siècle de Louis XIV. Ralph (sub. ann. 1666) has corrected some mistake of preceding English historians, respecting the supposed duplicity and intrigues of Louis XIV., as the ally of the Dutch. It is clear, however, that Louis was most anxious to save the few ships under Beaufort, which he regarded and had created as the nucleus of his future maritime force; and that Van Benningen, the Dutch ambassador at his court, a plain burgess of Amsterdam, who, according to Voltaire, "joined the vivacity of a Frenchman with the pride of a Spaniard," used both complaint and menace upon the refusal of the French court, or its inability to give the Dutch such naval aid as they required after the four days' battle. Voltaire says, the single fireship at Brest was given; but the French minister Lionne, writes to D'Estrades, that the aid of one fire-ship, then at Mardyk, would only expose France to the laughter of Europe. — See D'Estrades, sub. ann. 1666, and Basnage, i. 785.

returned to the Downs. News arrived that the Dutch were not yet in a condition to take the sea.

The States had severe damages to repair, and great difficulties to encounter. The excellence of their naval administration, and the personal genius of De Witt, repaired the one and triumphed over the other. Charles not only fomented factious opposition, but treasonable conspiracy in Holland. His ambassador, Downing, formed a cabal for depriving De Witt of his authority and fled from the Hague.* A French adventurer, named Buat, who belonged to the household of the late Henry Frederic, and was now attached to the person of the young prince William of Orange, was detected in a treasonable correspondence with the ministers of Charles, and brought to the scaffold.

It is a curious fact, proved by the correspondence of Buat †, that William, only fifteen years old, was engaged in the conspiracy.

De Witt on his side having, by his wisdom and vigour, suppressed faction and punished treason, menaced rather than retaliated upon Charles, by proposing, in concert with his ally Louis, to Algernon Sydney, Ludlow, and other republican exiles, the project of exciting an insurrection in England. ‡ He paralysed the Orangists by becoming the guardian of the young prince, in lieu of the princess dowager of Orange.

The grand pensionary was alike superior as a statesman and administrator; and the Dutch fleet of eighty-four sail came out of the Texel under the command of De Ruyter §, whilst the two English admirals supposed it could not take the sea for several weeks. Rupert, impatient of a divided command, and hating or disdaining

* Basnage, Ann. des Prov. Un. i. 787, 788

† Buat, with the levity of a Frenchman, inadvertently gave one letter for another to De Witt, and found, on examining his papers, that this mistake discovered his treason. — *Basnage ut supra.*

‡ Ludlow's Memoirs, vol. iii. sub. ann. 1666. Two French emissaries were executed at Guernsey, for the offence of bringing a letter to Lambert, and offering means for his escape from prison.

§ Several English historians, so recent even as Doctor Lingard, represent De Witt as on board, probably on the faith of Burnet; but the letters of D'Estrades, the annals of Basnage, and Brandt's life of Ruyter prove this to be a mistake. The pensionary came down to the Texel merely in order to hasten the sailing of the fleet. — See the two last cited works.

Albemarle, left the downs with a squadron of thirty sail, under the pretence of looking out for the French fleet, which had not yet left the Mediterranean.

Whilst the prince proceeded westward, Albemarle sailed northward, without the remotest idea of meeting an enemy; early next morning he descried the Dutch fleet in full force anchored off the North Foreland. His habits of intemperance had impaired his faculties, whilst they rendered his perceptions more obtuse, and his brute courage more impassive, and he resolved to attack the enemy, against the opinion of his best officers. It is even charged upon him that he procured the order for detaching prince Rupert against the French.*

But he excused, if he did not redeem, his error, by the courage and impetuosity of his attack. The Dutch were not allowed, by him, time to weigh anchor and cut their cables.

One of the most heroic conflicts in the annals of naval war now began, and was continued through four days, from the first to the fourth of June. There are minute narratives, by both parties †, of this famous series of engagements. The Dutch and English vie with each other in generous commendation of their mutual valour, and record with impartial wonder the most striking instances of self-possessed courage and heroic resolution, amid the roaring of cannon, the close fire of musketry, and the explosion of fire-ships. Up to the third day the English suffered more. On that day prince Rupert with his squadron came in sight, and probably saved them from absolute disaster. Next day, after a conflict more desperate than even those that preceded, the two fleets, interrupted by a fog, and almost equally disabled, discontinued the fight, and respectively claimed the victory. The advantage appears to have been on the side of the Dutch.‡

The States soon re-equipped their navy, and De Ruyter

* Protest of admiral Ayescough, in Ralph, i. 132.
† The best compressed narratives are those of Ralph and Basnage.
‡ Arlington's Letters in Misc. Aul.

was at the mouth of the Thames in the beginning of July, with a fleet of about ninety sail. It was near three weeks before the English fleet, still commanded by Rupert and Albemarle, and both now on board the same ship, found the enemy off the North Foreland, and engaged them. The battle was fought with the same desperate valour and severe loss; but the English were now decidedly victorious. De Ruyter, after sustaining his reputation as the first naval warrior of the age, had his line broken, made for the coast of Holland, and, whilst displaying the utmost conduct and bravery, exposed himself in the hottest fire, invoking death with exclamations of despair.

The Dutch soon suffered a still greater loss. Whilst the two English admirals insulted the Dutch fleet anchored within the refuge of the shallows, an English captain, Sir Robert Holmes, detached in command of a few ships, entered the road of Ulie under the guidance of a Dutch captain, who had been dismissed as one of the accomplices of Buat, and burned 140 merchantmen, two ships of war, and a village on the coast.

The sufferers, the factious, the Orangists, the poorer provinces, murmured and railed against De Witt, and clamoured for peace;—but the courage of the grand pensionary and of the republic was unmoved.

In England, the public joy was soon damped by an incident only less calamitous than the recent plague. This was the fire of London, beginning on the night of the second, or morning of the third, of September, and converting, in four days, the city, from Temple-bar to the Tower, into smouldering ruins. It was variously charged upon the Dutch, the French, the republicans, the fanatics, and the papists.* The investigation by

* It has been remarked as a curious, if not more than a curious, coincidence, that the gazette of the preceding April fixed the execution of the fanatic plot to burn London (already mentioned) during the plague, for the 3d of September. "The 3d of September," says this wise and veracious gazette, "was pitched on for the attempt, as being found by Lilly's almanack, and a scheme erected for that purpose, to be a lucky day, a planet then ruling which prognosticated the downfall of monarchy." The real secret seems to be, that the 3d of September had fallen into disgrace since the Restoration, from having been regarded as auspicious by Cromwell.

parliament satisfied even the house of commons of that day, that the charge was groundless respecting these sects and parties. "The populace," says Ralph, "influenced by their own credulity, or misled by the artifices of their betters, fastened the dreadful imputation exclusively upon the papists; and a doctor of divinity, named Gale, supplied an inscription to record it on the monument raised soon after, and still standing on the site where the fire broke out at the foot of London bridge." The inscription was removed by James.* He would have allowed it to remain had he been a wiser man. It was restored by the revolution of 1688, in the spirit of that transaction; and has been removed in a better spirit by a recent order of the common council of London.

Parliament reassembled on the 11th of September, after several prorogations, and a recess of eleven months. Charles, in his opening speech, talked of the power and insolence of his enemies,—the Dutch, the French, and the Danes,—and the consequent necessity of an ample supply. The commons thanked his majesty, promised supplies proportioned to the occasion, and appointed a committee to consider the best means of levying a grant of 1,800,000*l*. This was a large grant, considering the expenses of the war, the check given to industry by the plague, and the destruction of property as well as derangement of trade in the capital, by the recent fire. Its amount, and the facility with which it was voted, are still more extraordinary; considering the temper soon after displayed by the house of commons towards the court.

According to some, the Whig patriotism which ultimately produced the revolution of 1688, began already to germinate in the house of commons. Others account for the opposition to the court, by the disappointed ambition of individuals, who considered their talents and importance not duly appreciated. The personal character of the chiefs, and spirit of their proceedings, will supply

* Charles and James exerted themselves personally in arresting the progress of the flames; and sir Edmond Bury Godfrey, of unfortunate celebrity, now received the honour of knighthood from the king, at the request of the duke, for his praiseworthy efforts on the occasion, as a magistrate.

the best means of determining between these adverse opinions; but there is another view, historically more interesting,—the influence of their proceedings, whatever their motives, upon the public liberties.

The pretence of discontent and opposition in parliament was the profligacy of the court; the reckless prodigality with which the money of the people, voted for the public service, was lavished by the king upon his minions and mistresses.* The duke of Buckingham, one of the most profligate of men, was the leader of the party, whose virtue was thus outraged. "He had a mortal quarrel," says Clarendon, "with the lady," (this was the court style of the king's chief mistress, lady Castlemain,) absented himself from the court, and employed his leisure in avenging his disgrace. He courted the society and flattered the vanity of the malcontent or patriot leaders of opposition; as sir Richard Temple, sir Robert Howard, Garraway, and Seymour; sighed with them over the lazy and luxurious habits of the king; and amused them by "the merry tales he could tell of what was done at court."† To gain nonconformists and republicans, he affected violent zeal for the liberty of conscience and of the subject, and indulged the utmost licence of his wit and levity against the court-bishops, and lawyers, as the chief advisers of persecution and despotism.‡

The first step was, to throw upon the court the odium of popery, as more sure to damage it than that of the most prodigal or profligate malversation. A committee was appointed to receive information of the growth of popery, and the insolence of papists; the information given was the most frivolous or the most idle; the commons desired the king would banish jesuits, and enforce the penalties against recusants; Charles, with the fear of imputed popery before his eyes, reluctantly complied.

* "We owe," says Mr. Hallam, "a tribute of gratitude to the Mays, the Killigrews, the Chiffinches, and the Grammonts. They played a serviceable part in ridding the kingdom of its besotted loyalty. They saved our forefathers from the star chamber, and the high-commission court; they laboured in their vocation against standing armies and corruption; they pressed forward the great ultimate security of English freedom—the expulsion of the house of Stuart."—Vol. ii. 479.

† Clar. Contin. vol. iii. 369. (?)

‡ Id. ibid.

A bill, brought in during the session at Oxford, for prohibiting the importation of cattle or carcases from Ireland into England, was now revived. It was supported as necessary to protect English agriculture, and enable the tillers of the soil to pay rent and taxes. The hardship upon Ireland was over-looked; "the infatuated landlords"* were deaf to the argument, that the Irish could not purchase English goods, when deprived of a market for their chief produce; that, in England, the working classes of the people were deprived of cheap food.

It was most distasteful to the king, and vehemently opposed in the house of lords. The champions of the bill were, Buckingham, Ashley, and Lauderdale. Buckingham, in his character of patriot, supported it with a great show of zeal; and indulging at once his characteristic insolence and his hatred of the duke of Ormond, said, that no one could oppose it who had not an Irish interest or an Irish intellect. The gallant Ossory, son of Ormond, immediately sent him a challenge, which he evaded by affecting to mistake the place of meeting, and giving such a notice as led to his arrest.

Charles, too indolent or too much afraid to resist the commons, or too eager to touch the promised supply, induced the opposing majority to absent themselves from the debate, and the bill passed into a law.†

The appropriation of the supplies was voted in the last session, with an address to the king for a statement of the public disbursements. No return was made; and a bill was now introduced for appointing commissioners to audit the public accounts. The king, the court, the favourites, the mistresses, and the public servants of the crown, were in consternation. Charles apprehended that his warrants for scandalous gratuities out of the public treasury would be dragged

* So called by Ralph.

† The importation was called "a public nuisance" in the preamble, in order to disable the king from exercising his dispensing power in the case, — thus admitting such power by implication, — and eight lords entered their protest against it, among other reasons, "because the word nuisance was professedly used by the house of commons to restrain and limit a just, necessary, and ancient prerogative inherent in the crown."

to view; those who obeyed his warrants were no less alarmed; the heads of departments, intrusted with the public money, trembled at the idea of rendering an account. Some, who considered themselves accountable only to the king, cried out against the invasion of the royal prerogative. Among these was Ashley, treasurer of prize money, who sought the office, according to Clarendon, for the very reason that he was accountable only to the king. The proportions of truth and malice in this personal trait is not easy to determine. Clarendon himself opposed it as an ominous recommencement of the usurpations of the long parliament upon the powers of the crown.

1667. An attempt was made, in the house of lords, to defeat the commons obliquely, by voting an address to the king for a commission of accounts. The commons took fire, declared this vote a breach of privilege, and threatened to impeach the chancellor if he put the great seal to it. They, at the same time, made the passing of this bill the precedent condition of a supply. A threat of impeaching lady Castlemain, joined with this condition, induced the king to use his influence with the lords, and the bill passed with some amendments.

The commons, as if their purpose were to render the court suspected and odious, not to establish the great principle of the accountability of the exchequer *, allowed the bill and the amendments to lie idly on their table, and sent up an assessment and poll bills for the royal assent. Charles addressed them with undisguised displeasure; asked, with affected or sneering surprise, why the public accounts' bill was not presented for his assent; seized the opportunity to take upon himself the appointment of a commission for that purpose, and prorogued the parliament, under circumstances of mutual dissatisfaction, openly expressed, for the first time since the restoration.

* The commons, by proposing in their bill that the commissioners should consist of twelve members of their house, and six of the other, appear to have admitted a co-ordinate right in the house of lords, over the disbursement of the public money.

Buckingham was deprived of all his places, and his name struck out of all commissions. This did not satisfy the king's resentment: a warrant was issued for committing him to the Tower, under the double accusation of endeavouring to excite mutiny in the fleet, and having the king's horoscope compared with his own.

In Scotland conformity to the high church was enforced, not merely with rigour, but with cruelty. Severe measures are always executed with aggravation in a remote province. But in Scotland religious conscience was stern; the national genius was ardent when once inflamed; the covenant was the religion, not of a sect, but of the people; and the attempt to propagate episcopacy by means of dragoons under sir James Turner, produced its natural fruits.

The victims of persecution, abhorring prelacy and the parish church, went armed to prayer in morass or mountain conventicles, resisted military parties sent to disperse them, took the field in form with about 3000 men, surprised and routed the force under Turner, marched upon Edinburgh, and were easily vanquished by general Dalzel with a disciplined and superior force. About fifty of them were executed as traitors, after having been put to Lauderdale's torture of the boot.

This insurrection took place, and was quelled, during the sitting of parliament; and the name of Whiggamores, or Whigs, applied to the insurgents, was soon extended to England as the designation of those who opposed the court.

Charles, disappointed in his hopes of parliamentary supply, and rich booty from the Dutch war, was in a temper to make peace. The king of France on his part, had organised his means for the conquest of Flanders, and was anxious to disengage himself from the state of war with England, before he should commence hostilities with Spain. When two of the chief belligerent parties were in this disposition, it was easy to find an occasion for launching pacific overtures. The first suggestion came from Louis through Rouvigny, a

French protestant, whose religion and personal relations insured him a favourable reception in England. After some negotiation, De Witt and the States General consented to treat. Breda was fixed on as the place where the conferences should be held. Charles proposed a suspension of arms. De Witt protracted the negotiations, and insisted on the uninterrupted course of hostilities —from motives both of patriotism and pride.

De Witt felt deeply the losses suffered by his country from the expedition of Holmes, and is said to have sworn by the living God to avenge it. He now saw an occasion for acquitting himself of his vow. Charles having wasted the supplies with unscrupulous prodigality, was unable to equip a fleet which should cope with the Dutch, and reduced the maritime force to some light-armed vessels which should protect the coasts. It is stated on the authority of his brother James, that this measure was approved by Clarendon, Southampton, and the other advisers of the crown, himself (lord high admiral) only excepted. * His opinion was that the measure, without sparing the public money, would compromise the nation in its safety and honour. His prediction, if he made it, was verified.

The grand pensionary resolved to go on board with De Ruyter, and ordered the Dutch fleet to rendezvous off the Nore. He was persuaded by the French ambassador to abandon his purpose, in order to attend the negotiations; and he appointed his brother to go on board in his place as the States' deputy. † De Ruyter sailed from the Texel about the end of May; appeared, after some days, off the Nore with a fleet of seventy sail; occupied the mouths of the Medway and the Thames with his ships; overcame the defences of batteries and booms hastily opposed to him by Albemarle and the duke of York; rased the fort of Sheerness to the ground; committed fearful havoc upon the ships and arsenal at Chatham; covered the river with his ships as high

* Life of James, i. 425.

† Basnage, i. 904. Here again historians have confounded the grand pensionary with his brother, and repeated the mistake already referred to.

as Gravesend; levied contributions as a conqueror upon the adjacent country; and communicated terror and dismay to the capital. He then resumed the sea, insulted the shores of England for some weeks, and returned in triumph to his country.

The losses suffered from this expedition might be easily repaired; but the nation was tarnished in its honour and wounded in its pride. The peace of Breda quickly followed; and the readiness with which the English negotiators Holles and Coventry, now acceded to terms previously refused, was long ascribed by historians to the expedition of De Ruyter. Those negotiators could not have partaken of the national dismay, —for the nation was not dismayed, but indignant.* Remembering the administrative genius and naval renown of the commonwealth, the English people felt deeply the public shame brought upon them under regal government.

But the iniquity of Charles was not yet known. Pending the negotiations, he had entered into a secret treaty with Louis for the conquest of Flanders; and to conceal this base contract from their respective courts and ambassadors, the two kings corresponded with their own hands through the medium of the queen-mother.† This was the germ of their secret combination for the destruction of the Dutch republic, and partition of the Low countries. The orders of Charles to his envoys, and not the expedition of De Ruyter, caused their acceptance of the terms of the peace of Breda. ‡

* Louis XIV., who should have known better, says, or is made to say, (Œuvres de Louis XIV. ii. 315.) that the expedition of De Ruyter determined the English to accept the peace of Breda; and with a mixture of vanity and ignorance still more preposterous, "que ce malheur ne leur était arrivé que parcequ'ils n'avoient pas osé mettre leur flotte en mer de peur, que je ne joignasse la mienne aux Hollandais;" his fleet!— consisting as yet, only of the few ships under Beaufort in the Mediterranean, and one or two fire-ships in Brest or Dunkirk harbour. But the passage was doubtless written by Pellisson, or some other declaimer, authorised to write in his name.

† Œuvres de Louis XIV. ii. 285. 289.

‡ The stipulations of this treaty, concluded on the 29th of June at Breda, and proclaimed on the 24th of August in London, do not here merit particular notice. They may be found by reference to Dumont, Corps. Diss. v. 7. D'Estrades and Basnage, sub. ann. 1667.

De Witt and the States General on their side, had strong motives for discontinuing the war. Louis XIV. had already invaded Flanders with an army of 70,000 men under the command of the renowned Turenne; and the grand pensionary saw with just alarm, what he had long apprehended, the frontier of the republic approached by an ambitious and powerful monarch, who from an ally might become an enemy. *

There was no material question of public right or territorial possession at issue between the Dutch and English in this war. It was substantially a matter of pecuniary reparation for damages to the foreign trade and settlements of England. The abandonment of this claim, would have implied moderation or magnanimity after the arms of England had been victorious. It was regarded as base concession and dishonourable retreat, at a moment, when not only the shores but the ports and rivers of the kingdom had been insulted and profaned by a triumphant enemy. The public temper is further said to have been rendered sour and gloomy, by the recent calamities of the fire of London and the plague.

It became a momentous question, whether a parliament so refractory in the last session, should be encountered at this crisis. Some urged a dissolution and the raising an army to be subsisted by contributions levied on the people for the defence of the kingdom. This was the advice of Clarendon. Others advised the king to trust still to the existing parliament, rather than hazard a dissolution in the actual state of the public mind. Charles finding his council thus divided, acted upon the advice of both sides; he raised an army of 10,000 men, and summoned the parliament, by proclamation, to meet on the 25th of July. It met accordingly, but was immediately discharged from attendance by the king, until the following 10th of October, to which day it originally stood prorogued. This wavering

* Van Benningen, the States' ambassador, plainly told Louis, in a private audience, that this was the only, but a most serious ground of jealousy between France and the States. — *Œuvres de Louis XIV.*, iv. 2.

was the result of intrigues then in hot activity in the court. No public business was entered upon; but the commons passed a significant resolution, that the king should be requested to disband the new-raised army, as soon as the treaty of peace was ratified.

Two incidents of unequal importance, but bearing to each other the relation of cause and effect, had the most decisive influence on the proceedings of the next session of parliament, and the march of the king's government, — the restoration of the duke of Buckingham to court favour, — and the court disgrace of the chancellor Clarendon. Buckingham, having made his peace with the king's mistress, easily regained the king's favour. His relation with the opposition leaders in the house of commons has been stated. The recovery of his ascendant was not likely to weaken his influence over men, who opposed the court as much from disappointed ambition as from patriotism. Ashley (Shaftesbury), Clifford, Coventry, Osborne (afterwards lord Danby), Albemarle, enlisted under his banner for their particular interests, and from the common bond of antipathy to Clarendon. Whoever was lord of the ascendant found an obsequious partisan in the unprincipled Lauderdale, who, himself a covenanter, bowed the knee to prelacy at court, and visited presbytery in Scotland with the sword and the rack. Buckingham is said to have engaged, as the price of his reinstatement, to procure Charles a divorce, and to have conditioned for the ruin of Clarendon.*

The chancellor could oppose to this powerful array, only the influence of the duke of York and the bishops, and a morality of private life pedantic rather than severe. Southampton was dead, and the treasurer's staff in commission. The king, with his habitual dissimulation, could not conceal his dislike in the presence of the chancellor, — and his resentment is stated to have been especially provoked by the minister's interference with

* Carte's Life of Ormond, ii. 552, 353.

his pleasures.* Clarendon was moreover naturally odious to the catholics, whom he deprived of toleration; to the protestant nonconformists, whom he subjected to a worrying persecution; to the surviving republicans, who saw in him a minister ready to sacrifice the civil and religious liberties of the people to the crown and the church.

The first notice of his disgrace directly conveyed to the chancellor, was an intimation, through the duke of York, that the king desired his resignation, as a mode of rendering his fall the more safe and gentle. He refused to resign, as equivalent to an admission of guilt; waited on the king; tried during a conference of two hours to dispute with a mistress the favour of an inglorious voluptuary monarch; and was peremptorily ordered to return the great seal. It was given to sir Orlando Bridgman.

The session was opened by the king on the 10th of October. Charles when he last addressed the parliament, promised to do some things which should not be unwelcome to them, and now reminded them of his having kept his word. A proclamation had been issued in the interval for enforcing the law against popish recusants; the price of corn was raised to a remunerating price, by a general *liberty of exportation;* and commissioner Pett was committed to the tower for malversation in the care of the ships and the arsenal at Chatham. It is uncertain whether Charles alluded to these popular acts, or to one still more popular, and, above all, more gratifying to the opposition in the house of commons, —the disgrace of Clarendon.

* Charles is said to have been so captivated with the beautiful Miss Stuart, mentioned in the memoirs of Grammont, that, finding her inexorable, he contemplated obtaining a divorce and marrying her. The Chancellor, to defeat a scheme which might disinherit his grandchildren, according to the same accounts, secretly negotiated her marriage with the duke of Richmond. It would appear that the lady, after her marriage, was less severe, and that Charles, in a drunken sally, disclosed the possession of her favours to her husband (see Burnet, i. 461 Note of Lord Dartmouth). The history of this court, disenchanted of the illusions of loyalty, and the veil thrown over it by the spiritual power, would be found little better than that of the stews, and should be passed over untouched, if it were not identified with the history of the nation.

The new lord keeper, Bridgman, followed in a long speech. He accounted for the late premature summoning of parliament, by the fear that the French troops, then assembling on the opposite shores of France, might be destined against England;—a manifest falsehood, for their destination for Flanders was well known, more particularly to the king;—he made the important communication, that the king, finding the examination of the public accounts by commission from himself "ineffectual," wished parliament "to examine them in what way, and as strictly as they pleased, leaving every one concerned to stand or fall according to his own innocency or guilt." *

The commons passing over what was most deeply felt by the nation,—a disastrous war followed by an ignominious peace,—voted an address, breathing nothing but gratitude to the king for all his acts of grace; but more particularly his removal of the earl of Clarendon. The address, having been joined in by the lords, was presented to the king, who assured them in reply, that he had removed the late chancellor from his service and councils for ever.

This expression of the king was designed to screen Clarendon from further pursuit by his enemies. The opposite effect was produced by it; and was, perhaps, not much regretted by Charles, who began to feel towards Clarendon that sort of vindictive hatred which is inspired by conscious ingratitude and wrong. † Clarendon's enemies now saw him not only fallen but unprotected, and they fastened upon him with relentless fangs. It has been observed, that disappointed ambition, not public virtue, was regarded as the motive spring of the opposition chiefs. "All the *disobliged*," says Ralph, "headed by sir Edward Seymour, resolved, under pretence of doing justice to the nation, to revenge

* It would appear that the only question was that of pecuniary malversation, not the supreme control of the parliament over the public expenditure.

† Clarendon himself (Continuation, &c.) says the king used both commands and menaces with the bishop and other peers, who were friendly to him.

their own particular quarrel." A committee of the house of commons came to a resolution that the earl of Clarendon should be impeached of treason, and sir Thomas Littleton, its chairman, reported seventeen heads of accusation against him to the house. The impeachment was voted without examination of evidence, on the ground of common fame, as in the cases of the first duke of Buckingham and the earl of Strafford.

The charges against Clarendon were some founded in truth, others were not merely false but frivolous; all were deeply tinged with personal malice; none amounted to treason. The impeachment not having proceeded, no evidence was taken, but the articles charged, are all public matter of historic evidence and opinion. The first charge was, that he advised the king to dissolve the parliament, and govern by an army to be maintained by free quarter. This charge is exaggerated, not unfounded *; but, by a strange anomaly, a public crime of the utmost magnitude — conspiring against the laws and liberties of the nation — is not treason by the law of England to this hour. The king's person is an essential element in imparting the quality of treason. The next charge was his saying the king was a papist or popishly inclined; a fact which he well knew and probably mentioned in private confidence. The eleventh article charged him with the corrupt sale of Dunkirk, for an inadequate consideration. His share in this transaction has been already noticed. The sixteenth charge was that he betrayed the king's secret counsels to the enemy; an utterly groundless and improbable calumny. There were several articles charging him with specific acts of pecuniary corruption, and one alleged, that his estate was greater than could have been lawfully gained by him. The splendid house built by the chancellor upon a site in St. James's, granted him by the king, brought upon him suspicion and odium. "He makes the earth groan," says

* See page 61., antè.

Seymour, "by his building, as we by his oppression." Clarendon himself admits that he was ashamed of the weakness which led him to erect a mansion so ostentatious and expensive.

On the 12th of November, Mr. (afterwards sir Edward) Seymour, impeached the earl of Clarendon at the bar of the lords, in the name of the commons of England, and demanded that he should be sequestered from parliament and committed as a traitor. The lords received the impeachment, but refused to commit the earl — on the ground that the treason was not specified. The commons took fire at what they considered an attempt to screen Clarendon, — conferences between both houses irritated instead of reconciling, — and Charles, through fear of the consequences, or selfish love of ease, advised Clarendon to withdraw privately from the kingdom. It is honourable to the minister that he refused every suggestion and solicitation to abandon the defence of his character, and yielded only to a peremptory order brought to him by the duke of York from the king. He left behind him a written defence, which was voted by both houses a false and scandalous libel. They next passed a bill banishing him for life.* He took refuge in France, and remained there in exile to his death.†

The fall of Clarendon, a victim to profligacy, has made him pass for a martyr to virtue. His administration, with the single exception of the act of indemnity, is a constant strain to exalt the prerogative of the crown and the power of the church. His principles were as despotic as those of Strafford, and would have been as dangerous had he possessed the vigour and daring of that ill-fated minister. With them he joined a servility of character peculiarly his own.‡ He not only laboured to make the royal authority

* Bristol, upon Clarendon's disgrace, re-appeared in parliament. Two bishops only, Lucy of St. David's, and Cosens of Durham, voted against the chancellor.

† He died at Rouen in 1674.

‡ The proofs will readily suggest themselves after the perusal of the preceding pages.

paramount in the person of a bad prince, but spoke slightingly of that essential institution which makes the government of England a free one — the house of commons. * Religious persecution is a foul stain upon his reputation. He conspired with a domineering hierarchy and intolerant priesthood, not only to stretch religious conscience upon an iron formula of doctrine and worship, but to start one portion of the people, as a sort of wild game, to be chased and worried by another; with the sanction of the laws and the fury of the passions. Credit has been given him for not restoring, and even for opposing, the restoration of the star-chamber and high-commission court. Of this merit there is no proof. It is merely presumed, or conjectured †, and there are vague expressions in his "Continuation," &c. ‡ which would indicate a secret regret that these odious tribunals had not been re-established.

The abstinence of the minister, the bishops, and the court, from any attempt to revive them, may be ascribed to two causes — first, the indelible brand fixed by the long parliament upon the oppressions of one and atrocities of the other — next, the desire of this parliament to have an exclusive privilege of oppression and persecution.

Clarendon's prudence has passed for public virtue, — of which it partook so little, that he rarely scrupled to sacrifice his conviction to his love of court favour, and his instinctive court servility. § He was arrogant and insulting by his nature, and indulged his

* He called the house of commons 400 country gentlemen, fit only to give money, and told the king that a parliament was weak or strong, as he (the king) chose to make it.

† James (Life, i. 393.) reproached, or is made by the compiler to reproach, him for not having taken advantage of the loyal ecstacies of the restoration, to reduce at once to a *tabula rasa* all the enactments of the long parliament, and settle a permanent revenue on the crown. Clarendon was too prudent to attempt a thing so infatuated and extravagant, and so directly at variance with the professions and promises of the restoration.

‡ Vol. iii. p. 737.

§ The Dutch war is one of several instances.

insolence freely to those beneath him *; but was no less cringing to his superiors in rank or power. He must be acquitted of personal corruption, in the absence of proof; but the disgrace of having first initiated Charles in the secret of subsisting upon the scandalous wages of a foreign prince rests upon his memory.† The reputation of Clarendon may be ascribed to the circumstances of his fall, — to the grateful zeal of high church historians, who have written with more care for their order than for truth, — to the voluminous pleading under the name of a history left by himself.

His narration as a writer is rambling and loose, his style negligent; but there are in his "History of the Rebellion," as he has chosen to call it, a pervading animation and interest, a constantly recurring felicity of expression, an exquisitely delicate malice of delineation which captivate in the perusal. It is true that, professing himself a historian, he employs all the artifices of an advocate — even bad faith — but, without the merit of veracity, truth escapes him. He may impose upon the simple, the uninformed, the many who wish to be imposed on from party interests, or the spirit of an order; but readers of better sense and better faith see through the cloud of words with which he would keep truth out of view, and are not deceived by the artifices and ornaments with which falsehood is recommended by him. The demeanour of Clarendon in exile is a sad comment on his public life and character. He solicited the compassion of his ungrateful master without dignity, and laid himself down in retirement without philosophy or content.

* See his insolence to Downing, related by himself, (Contin. 321.) and sir William Coventry's account of his domineering impatience generally in council.—*Pepys's Diary*, Sept. 1667.

† See page 25. ante. An extract from a letter of Clarendon to Rouvigny, dated, June 10. 1667. cited by Basnage (i. 803.), offers a strong presumption of Clarendon's privity to the secret and perfidious treaty between Charles and Louis, on the eve of the peace of Breda.

CHAP. III.

1668—1672.

THE CABAL. — DE WITT AND TEMPLE. — THE TRIPLE LEAGUE. — EVENTUAL PARTITION TREATY. — PEACE OF AIX-LA-CHAPELLE. — MEETING OF PARLIAMENT. — SEVERITY AGAINST NONCONFORMISTS. — QUESTION OF PRIVILEGE. — CHANGES IN THE COURT. — PRODIGALITY AND WANTS OF THE KING. — THE DOVER MONEY TREATY BETWEEN CHARLES II. AND LOUIS XIV. — THE DUKE OF YORK DECLARES HIMSELF A ROMAN CATHOLIC. — RELIGION OF THE KING. — PARLIAMENTARY CORRUPTION. — CONDITIONS OF THE DOVER TREATY. — DEATH OF THE DUCHESS OF ORLEANS. — TRIAL OF MEAD AND PENN. — PEDIGREE OF WHIGGISM. — THE COVENTRY ACT. — QUESTION OF PRIVILEGE. — RECALL OF TEMPLE FROM HOLLAND. — PRELUDE TO THE SECOND DUTCH WAR.

1668. Now begins the ministry so well known under the name of the Cabal. This term was applied, both in French and English, to confederate intriguers in the court of Charles ever since the restoration.* It could not, therefore, have originated in the initial letters of the names of the chief ministers.†

From this epoch may be dated that course of baseness and duplicity which characterises the reign of Charles II. He had become the secret accomplice of Louis XIV. at the close of the Dutch war; he soon accepted the wages of that prince, upon his iniquitous undertaking, to destroy the religion, liberties, and laws of the nation over which he was called to rule; he deceived at once his own ministers, and the prince of whom he was the hireling; and plotting in person the introduction of popery into his kingdom, he allowed his Roman catholic subjects to be consigned to dungeons and the scaffold for plots in favour of popery of which he knew them innocent.

* See D'Estrades, vol. i. and ii. passim, during his two missions to England.

† See also Pepys's Diary, 1668.

His design to lay aside parliaments, and subvert the liberties of his subjects, should at the same time be censured with some indulgence. When the chancellor Clarendon and archbishop Sheldon — the statute book and the liturgy — prescribed unresisting and implicit obedience to his authority, it was natural for him to regard his parliaments and his subjects as existing only for his use.

The first leading measure of the cabal gave promise of measures not unworthy of the nation. Philip IV. of Spain, recently deceased, left an infant heir of weak health, and his widow, a princess of Austria, regent of the kingdom. Louis XIV., the son-in-law of Philip, pretended to the sovereignty of Flanders, Brabant, and Franche-Comté, in right of his wife, notwithstanding her formal renunciation, on her marriage, of all claim to the kingdom and dependencies of Spain. He rested his pretensions on the local jurisprudence of those provinces, and the nonpayment of the stipulated dowry of the Spanish princess. His council of state, the French jurists, and the doctors of the Sorbonne, pronounced his right indisputable. The ministers, jurists, and casuists of Spain, were no less confident on the adverse side. Such questions are decided, in the last resort, by armies; and Louis entered Flanders with 35,000 men nominally under his orders, but really commanded by Turenne, whilst two smaller corps moved upon Dunkirk and Luxembourg. He over-ran, in a short period, Flanders and Franche-Comté.

The exposure of their frontier to so formidable a neighbour alarmed the Dutch. De Witt, whose public virtue and patriotism, equalled his sagacity, saw the necessity of guarding against the character, the designs, and the power of his ally. Sir William Temple, then the English resident at the court of Brussels, was instructed by the new ministry to proceed to the Hague and sound De Witt on the subject of an alliance against the ambition of France.

The suggestion of the famous triple league, which

was the result of Temple's mission, and upon which his reputation mainly depends, originated with the grand pensionary. Temple, upon the conclusion of the peace of Breda, made a tour of curiosity *incognito* in Holland, and introduced himself in passing to De Witt, with the happy compliment that "his only business being to see the things most considerable in the country, he thought he should lose his credit if he left it without seeing him." They conferred privately for two hours. De Witt spoke frankly of the danger which menaced the States from the occupation of Flanders by Louis XIV., expressed his wish for a league with England for their common safety and the peace of Europe, and said an ambassador from the States should proceed immediately to London.

The overtures of the Dutch ambassador in London, and the suggestions of Temple, were coldly received. The English ministry, and even Temple himself, wavered between the proposed league and taking part with the king of France.* At length a new light broke upon the ministry, and Temple was instructed to propose an alliance offensive and defensive to De Witt. That great statesman declared it to be a settled maxim of the States to enter only into defensive treaties. Temple came to London, conferred with the ministry, returned to the Hague with full powers, and, in the short space of five days, contracted with De Witt and the Swedish ambassador D'Hona †, the famous, though fruitless and short-lived, triple league.

Temple and De Witt seem to have understood each other from their first meeting. "I judge him (De Witt)," says Temple, "a plain stead man, or very artificial in seeming so. . . . Whoever deals with him must go the same plain way that he pretends to in his negotiations, without refining or colouring." ‡ He acted accordingly, obtained the confidence of De Witt §, and

* Letters of sir William Temple.

† Sweden was alarmed by the close relations between France and Denmark.

‡ Temple's Letters.

§ De Witt took the word of Temple, *en homme de bien*, for some minor engagements which could not be secured without some delay.

achieved, by frankness and truth, a triumph in diplomacy unequalled by politicians who far exceeded him in vigour of mind and impetus of character. The great, if not the only, obstacle, was De Witt's want of confidence in the king. *

Temple ascribes the chief share in this measure to Arlington and the lord keeper. The latter had no portion of Clarendon's partiality to France, and the former had yet manifested no change of sentiment towards Spain.

The assent of the king is an enigma somewhat more difficult of solution. He hated the Dutch; he had no affection for the Spaniards; and he was secretly pledged to the views of Louis upon the Spanish Netherlands. † But he was actuated most probably in this, as in every other anomaly in his character or infamy in his life, by his prodigal vices and the utter absence of scruple, with which he grasped the means of indulging them. Temple was instructed to obtain from the Spanish ambassador (Castel Rodrigo) "as much money as he could spare," and to undertake, even if the proposed league were not made, that England would assist the Spaniards in the Netherlands, provided Spain furnished the means. ‡

England, Holland, and Sweden, the parties to the triple league, engaged in substance to mediate or dictate peace between France and Spain. Louis regarded "a convention made by his enemies" § as designed against him alone, while it professed even justice between the two parties. His lieutenants Condé and Turenne, the greatest captains of that age, urged him to pursue his conquests, in defiance of the confederacy; his ministers || counselled him to accept a peace ¶ based upon the concession of his own demands. At the opening of the campaign, success would warrant his rising in his

* Temple's Letters.
† Œuvres de Louis XIV. ii. 286.
‡ Sir William Temple's Instructions, in Mr. Courtenay's Memoirs, ii. app.
§ Œuvres de Louis XIV. ii. 361.
|| "Gens de l'escritoire et de peu de naissance," says Montglas, alluding, doubtless, to Colbert.
¶ Œuvres, &c. ii. 866. note.

terms; but he was in a position to consult his prudence without * seeming to abate his pride, and even with the credit of moderation.

It is further said for him, that he had a conclusive reason, with which his ministers were not acquainted for his preference of their counsel,—the secret treaty for "the eventual" partition of the Spanish monarchy concluded in January, 1668, between him and the emperor Leopold. The contingency was the death of the infant king of Spain without issue, an event regarded not only as probable but imminent from his known debility. This secret bond of spoliation vaguely glanced at in the memoirs of Torcy and the historical essays of lord Bolingbroke, was referred to for the first time in form by Voltaire.† It would appear, however, that the emperor had visitations of remorse or shame, and that Louis acceded to the terms of pacification not so much from the security of the eventual partition treaty, as from his fear that Leopold might change his mind, and take arms to save from ruin the decaying fortunes of the Spanish branch of the imperial family. ‡

The peace of Europe was restored in April by the treaty of Aix-la-Chapelle. Louis retained his chief con-

* He has the arrogance in one place (Œuvres, &c. ii. 361.) to call the triple league a plot (*ce complot*), as if he were monarch, not of France, but of Europe.

† Siècle de Louis XIV.

‡ "He assented," says Dr. Lingard, "to their (his ministers) advice, but for a reason of which they were ignorant. In consequence of the infirm state of the young king of Spain, he had secretly concluded with the emperor Leopold, an 'eventual' treaty of partition of the Spanish monarchy, on the expected death of Charles, and by that treaty had already bound himself to do the very thing which it was the object of the allied powers to effect."—*Hist. of Eng.* xii. 191. This is substantially borne out by an extract in the "Works of Louis XIV." from a MS. history of the peace of Aix-la-Chapelle, by St. Prèt, head of the department of foreign affairs at the time in France, giving the secret history of the eventual treaty. But the "eventual treaty," was concluded between Louis and Leopold in January; the triple league, and the compulsory mediation of the parties to it, was communicated to Louis in the same month of January: it was not till the beginning of February that he left Versailles for the conquest of Franche-Comté [1]; and he states in his own person, among his reasons for making peace, that "l'Empereur paraissoit assez tranquille, mais il avoit sur pied d'anciennes troupes, &c."—*Œuvres, &c.* ii. 362.

[1] Letters of Temple. Neg. d'Estrades. Voltaire, Siècle de Louis XIV. Jan. 1668.

quests in Flanders, but ceded Franche-Comté. The Dutch commonwealth had the glory of protecting that proud monarchy of Spain, which had at no great distance of time visited it as a rebel province with relentless cruelty, and regarded it as an independent state with contempt. Thus wonderfully were the moral energies of a community developed by republican industry, frugality, and freedom.

Charles II. of England obtained for a moment through Europe a reputation which he did not merit; the infant Charles of Spain survived the compact of his royal and imperial kinsmen; and the Austrian minister D'Aversberg, who had advised and negotiated the scandalous partition for the promised bribe of a cardinal's hat to be obtained for him by Louis, was disappointed by the refusal of the pope.*

Parliament had re-assembled meanwhile on the 10th of February. The seeming success of the triple league, the conclusion of a treaty of commerce with Spain, the independence of Portugal acknowledged by Spain through the mediation of the English ambassador, lord Sandwich, were calculated to obtain for the supplanters of Clarendon a favourable judgment of their measures by parliament.

One of the charges against that minister was, his concentrating the whole administration in his single person. It was announced by the new ministers in the king's name, through the gazette, that the public business should be administered by committees under the respective heads of foreign affairs, the army and navy, trade and navigation, complaints and grievances. The merit of this divisional regulation of the public service is obvious. It was probably suggested by Shaftesbury from his experience of it under the commonwealth.

This flattering aspect of public affairs and the real merit of the administration did not dispose the house of commons in its favour. The conventicle act would soon expire, and a cry was raised that Buckingham and Ashley, assisted by the lord keeper Bridgeman and the

* Œuvres de Louis XIV. vi. 417.

virtuous sir Matthew Hale, entertained the guilty design of giving the non-conformists toleration. "This," says an acute fearless organ of historic truth*, "alarmed the church, which, orthodox as it is, has always thought itself in danger whenever a christian government made use of christian charity." The design thus to endanger the christian church by christian charity exploded in the king's speech. It concluded with the alarming recommendation "of some course to beget a better union and composure in the minds of his protestant subjects in matters of religion." The church was now too powerful both for the crown and the cabal; and the house of commons, espousing its interests and its passions, met the suggestion of religious peace with two successive addresses to the king;—one, for an immediate and strict execution of the laws against non-conformity to the church;—the other, for enforcing and continuing the laws against conventicles and assemblies of papists. The king's request of a supply was met with a vote for an inquiry into the miscarriages of the war and the poverty of the kingdom.†

Charles sent several messages to the house of commons before they voted the required supply of 310,000*l.*, and even then they did not provide the ways and means.‡ They seemed wholly engrossed with the dangers of the church. Two debates were conducted with much heat and some eloquence,—the one, upon a resolution in accordance with the king's suggestion of religious union and composure,—the other, upon the bill to continue the conventicle act. Waller the poet compared "the church of England to the elder brother of the Ottoman family, who strangled all the other brothers." The resolution was negatived by a majority of 176 to 70,

* Ralph, i. 170.

† Sandwich, Albemarle, and Arlington, were aimed at in the inquiry, but not formally accused. Sir William Penn (father of the illustrious quaker) and commissioner Pett were impeached, the one for malversation relating to prizes, the other for neglect of duty to the fleet at Chatham, but escaped with only temporary imprisonment. Brunkhard, a member of the house, was expelled for his pretended order, in the name of the duke of York, to slacken sail in the chase of the Dutch fleet in 1665.

‡ The grant was ultimately provided by an imposition on wines and spirits.

and the bill for the continuance of the conventicle act carried on a division of 144 to 78.

A question of privilege grew out of the case of a merchant, named Skinner, who petitioned both the king and the house of lords for redress against the East India Company. His claim was for pecuniary reparation. After several proceedings during the two preceding years the cause was heard by the house of lords and 500*l.* damages were adjudged to the plaintiff. The company by their chairman, sir Samuel Barnardiston, denied the jurisdiction of the lords, and petitioned the commons. The latter indignantly voted the proceeding of the lords illegal, and these retorted by a similar vote.

The lords had no pretence of jurisdiction in the first resort, and therefore were incompetent in this case; but they were piqued and alarmed by their manifest insignificance compared with the commons, who not only had exclusive power over the granting of supplies to a prodigal and needy prince, but stretched it recently to a severe inquisition into the appropriation and expenditure of all grants*, and into the causes of all "miscarriages," in the public service. They doubtless remembered, moreover, the memorable vote of the long parliament, which set them aside as a bar to good government, and the liberty of the people; and they took advantage of Skinner's case to attempt a monstrous extension of their power as a court of judicature from an ultimate to an original and absolute jurisdiction over the rights of property, by way of counterpoise to the other house. They maintained their pretensions with what might be called spirit in a good cause, but was violence in an unjust one; they committed and fined the chairman of the company for contempt of their adjudication. An adjournment on the 8th of May to the 11th of August, at the desire of the king, came opportunely for the lords to suspend the war of privilege; and the par-

* Charles, at the opening of the preceding parliament, had voluntarily abandoned to the commons his royal commission of public accounts, as insufficient; and left them to proceed as strictly as they pleased in their own manner. — (*Speech of the Lord Keeper Bridgeman. — Parl. Hist.* iv. 368.)

liament did not meet again to transact business till the 19th of October in the following year.

Personal changes in the administration and the court naturally followed the disgrace of Clarendon. The most important of these was the elevation of Clifford in the household, and in the confidence of the king; the appointment of sir John Trevor as secretary in the room of Morrice, — that sole confidant of Monk in the intrigue of the restoration; — the removal and imprisonment of Coventry for a personal quarrel with Buckingham; and the removal of Ormond from the government of Ireland, to make way for lord Robarts.

These changes were all made through the power and intrigues of Buckingham. He feared the friendship of Ormond for Clarendon, and felt rebuked by his virtue. The contrast between these rivals, at this period, has been remarked and dwelt on by more than one historian of their time. Buckingham, the most unprincipled of men, talked of patriotism and public liberty in the language of Brutus; whilst the virtues of private life, and a certain devoted chivalry of royalism, in Ormond, gave lustre to his slavish principles of unlimited obedience to the sovereign.

The duke of York continued steady to his father-in-law in his disgrace, without being able to serve him. Buckingham, fearing his influence, attempted to remove him from the councils of his brother; and failing, not so much from the fraternal attachment of Charles as from counter-advice, turned round with the suppleness of a courtier to ingratiate himself with the person whom he had vainly tried to injure.*

The temper of the parliament left little hopes of a supply, in the absence of any pretext of foreign war. An attempt was made by Buckingham to meet the king's wants by a new scheme for the regulation of the civil list.† The result was futile.

The king and his chief counsellor were the two

* Life of James I. 432, &c. Pepys's Diary, 1668.
† See this scheme detailed in Ralph, i. 176.

most dissolute persons in the kingdom, and mutually countenanced each other in their vices. Buckingham turned his wife out of doors to make way for his paramour, lady Shrewsbury, who was said to have held his horse, in the disguise of a page, whilst he killed her husband in a duel. He not only disposed, in this manner, of his own wife, but offered to rid Charles of his queen by seizing her at a masquerade, and having her carried to one of the West Indian colonies, — never to return or be heard of more.

Another court favourite, the earl of Bristol, undertook the gentler iniquity of procuring him a divorce; and there were found at court lawyers and divines ready to justify the proceeding by conclusive precedents profane and sacred.* Lord Roos's well known divorce bill, with permission to marry, — the first of a class of statutes which the policy of legislation, and the social profligacy of the rich, has since made common, — was passed in order to serve as a precedent for the king.

The ill-fated duke of Monmouth, reputed son of Charles by that mistress called Lucy Walters, whom he cast upon the world to perish, at Paris, in the lowest state of degradation and misery, now appeared at court, and was mixed up with its intrigues. Charles regarded him with the affection of a father. Personal resemblance and other circumstances,—or the malice of party, — gave rise to the report that he was the son of Robert, brother of Algernon Sidney. These intrigues failed, from the justice and good nature of the king, according to some, — from his love of ease, and the advice, remonstrances, and strong party of his brother, according to others.

The king, meanwhile, consoled himself in the absence of a divorce, by unbounded licentiousness. Lady Castlemain preserved her state if not her influence, and retaliated his infidelities upon her vagrant lover. Living in all the licence of luxury and pleasure, she allowed

* Life of James I. 438. Bishop Burnet, not yet mitred nor a Whig, justified, if he did not advocate polygamy. (i. 232. 243. 454. notes.)

him to indulge himself with the congenial depravity of Eleanor Gwynn and Mary Davies; the former sufficiently known; the latter also an actress, and a natural daughter of the earl of Berkshire. To the shame, not of this court, which was beyond shame, but of human nature, the earl himself is stated to have been the pander between her and the king.* The student of the history of this period who turns away from scandalous details scarcely tangible, immediately encounters transactions strictly historic, and less revolting only because their infamy is of another kind.

1669. The discoveries of Dalrymple, which have given an instructive lesson to the English nation, in the testimony which they bear to the corruptions not only of the monarch and his minions but of selfish factions, professing to serve the cause of liberty and the people, have rendered the secret money treaty which made Charles the hireling of the king of France familiar to most readers of English history. A transaction so well known, and upon which no new light remains to be thrown, may be disposed of very briefly.

Charles, it has been observed, sanctioned the mission of Temple and the triple alliance, probably with the hope of money from Spain. That court, ill provided, and discontented with the treaty of Aix-la-Chapelle, failed to discharge its pecuniary engagements both to Sweden and England.† The king, thus disappointed, turned his eyes to France, made his excuses for the triple league, and offered to renew with Louis those scandalous money dealings in which he had been initiated by Clarendon. Louis sent over Colbert de Croissy, brother of the famous minister; and Buckingham opened a secret negotiation with the accomplished Henrietta of Orleans, sister of the king. The secret was to be kept more especially from the Dutch; and sir W. Temple was instructed by lord Arlington to assure De Witt of the king's wish for the closest union with the States in preference to France.

* Pepys. † See Ralph, i. 175.

De Witt was better informed than Temple of the perfidy and baseness of the English court. The Swedish minister Puffendorf had seen in the hands of Turenne a letter of Colbert de Croissy, from London, conveying the significant intimation, that "he had at last made them sensible of the whole extent of his majesty's (Louis) liberality."* He communicated this on his way to Sweden, by the Hague, to De Witt, and that great statesman frankly mentioned it in reply to the assurances of Temple. The English envoy, from simplicity or false shame, said he could not believe it: and De Witt, perhaps as a mere courtesy, said his political experience had the effect of curing him of the malady of suspicion.†

The religious conscience of James, according to a court-writer of the time, distinguished for his wit and levity, began very early to be his enemy.‡ His religion now completely mastered his prudence, and he made up his mind to avow himself a Roman catholic. It might pass for a stroke of humour, or of the whimsical, were it not given with all seriousness as fact §, that James was converted to the church of Rome by the theological writings of a divine of the church of England, and to religious sincerity by a jesuit. || He communicated his resolution to the king, and both brothers made an appointment to meet Arundel, Arlington, and Clifford in the apartments of the duke.

Of the three confidants, the first was a professed catholic, the two others were, in the language of the time, concealed papists, or popishly inclined. The duke, or the compiler of his life, has not told us in what manner he disclosed his religion in this conclave; but Charles is stated to have unburdened his catholic conscience with tears in his eyes; he lamented his hard fate in being obliged to profess a religion which he disbelieved; declared his purpose of throwing aside the mask; and asked the advice of his counsellors, as "wise men and

* Temple's Letters. † Temple's letters, sub ann. 1669.
‡ Mém. de Grammont. § Lingard, xii. 202. Life of James i. 440.
|| Heylin's History of the Reformation; and father Symonds.

good catholics." They advised him "to do the great work in conjunction with France, and with the assistance of his most christian majesty." * A negotiation accordingly was opened in form with the French ambassador, and lord Arundel was sent as envoy to the French court, accompanied by sir Robert Bellings, who had been employed on similar occasions by Clarendon.

The scruples and the tears of Charles may be safely pronounced a scene of hypocrisy, overacted for effect. It may be doubted whether he was even in that indolent state of mind, between religious inclination and indifference, which has been generally imputed to him. His natural shrewdness and observation of men may be supposed to have made him sceptical; a person so abandoned to pleasure and ease was not likely to exercise his reason upon theological disputes; and that mere absence of antipathy with which a son may be supposed to regard the religious worship of his mother, would be called popery in his day.

There is strong ground to suspect the sincerity even of James; not as to his being a Roman catholic, but as to the circumstances which determined him to avow his religion. He ascribes it to the light which broke suddenly upon his mind from the conversation of father Symonds. But when he opened himself to his brother, he, by his own account (or that of the compiler of his memoirs), "well knew the king was of the same mind, and had opened himself to lord Arundel, lord Arlington, and sir Thomas Clifford.† The conscience of James then, like that of Charles, was acted upon by his privity to the secret negotiation with France.

The purposes of this treaty were as flagitious as its motives were base; but it would be out of place to refer

* "This meeting," continues the writer of the Life of James, "was on the 25th of January, the day on which the church celebrates the conversion of St. Paul."—i 441.

† Life of James, &c. i. 441. Dr. Lingard's version of the passage in the "Life of James," &c. is inexact. "He (James)," says Dr. Lingard, "communicated to the king in private, that he was determined to embrace the catholic faith; and Charles without hesitation replied, that he was of the same mind, and would consult with the duke on the subject, in the presence of lord Arundel, &c. (See Life of James, &c. as above-cited.)

to them before its conclusion. Louis was equally anxious as a tyrant and a religionist for its success, but his measures were not yet taken; he was sure of Charles; and he protracted the negotiation.

Meanwhile parliament re-assembled on the 19th of October. Charles, in a short opening speech, recommended to them an immediate supply, and a union between England and Scotland. The commons, deaf to his voice, renewed their war-whoop against non-conformists and conventicles; and, in pursuance of a report from the commission of public accounts, expelled the vice-chamberlain, sir George Carteret. The strange mixture of acts the most heterogeneous in character, — some as commendable as others were odious, — is not easily accounted for. It is true there was a party in parliament openly resisting the views of the court. But in men actuated by malignant passion — as in the rancorous persecution of non-conformists, — opposition may be regarded not as independence but as faction; even when abuses are exposed and delinquents punished.

On the 11th of December the session was abruptly prorogued by commission to the 14th of February, without passing a single bill — not even a supply bill, though 400,000*l.* had been voted for the special occasions of the king. Charles must have had the secret confidence of support from another quarter, when he treated them with this contemptuous indifference. This was still more apparent during the recess, and at the opening of the next session. The commissioners of public accounts were required to give an account of their conduct, and according to the letters of a contemporary member of the house of commons, whose life is a proof, that the poorest public man may be the most incorrupt *, were put upon their trials as culprits for having done their duty. †

The meeting of parliament was marked by circumstances still more ominously suspicious. Charles 1670.

* Andrew Marvell.

† See the report of the committee of Brookhouse to the king, in Tracts, Temp. Car. 2.; and Ralph, i. 178, 179. (Note.)

proceeded to open the session with an escort of guards, contrary to the usage of English monarchs, and evidently in imitation of Louis XIV. He addressed the parliament in a tone of rebuke and menace. "I asked you," said he, "for a supply; I ask it now with greater instance; consider this seriously. The fault must not lie at my door." He next indirectly rebuked and disabled the commission of public accounts by prejudging the matter of inquiry. "I have," said he, "fully informed myself in the matter, and I do affirm, that no part of the moneys that you gave me has been diverted to other uses (other than the war);" he ended with a recommendation to both houses, not to revive their quarrel on Skinner's case. *

The temper of the commons seemed as ominously changed as that of the king. Clifford was now the chief manager of that house, and in the short space of the recess, whether by corruption or by intrigue, he exorcised the spirit of opposition. The designed absence of some, and the silence of others, gave the court an easy triumph. Supplies were raised by an import duty of eight pence the tun of French, and twelve pounds the tun of Spanish, wine. This fact alone would prove that the court of France now ruled the counsels of England. It was at this crisis that Marvell said of the house of commons, "We are all venal cowards, except some few."

Upon one point alone, high church persecution, they would perhaps have been intractable; but in this they were indulged. Charles having now other views for the catholics, and being worse than indifferent about protestant non-conformists, gratified the commons by his assent to an additional and still more inhuman conventicle act. The parliament separated by adjournment on the 11th of April, and did not meet again for the despatch of business till the 24th of October.

Charles had now changed his habitual tone of caressing

* The two houses erased the proceedings from their journals, by common consent.

familiarity for that of command, with the secret consciousness that, as the pensioner of Louis XIV., he should henceforth be less dependent upon parliament for money, and more able to master them by force. His means of corrupting the "venal cowards" of the parliament are less apparent; for he had as yet touched no part of the wages of his iniquity.* All the conditions, however, were settled, and the only question remaining, was the order of time in carrying two of the leading objects of the treaty into effect.

The stipulations of this secret confederacy were, in substance, that Charles being convinced of the truth, and resolved to make public declaration of the catholic religion, should be placed in a situation to do so with safety, by a private subsidy of 200,000*l.* a year, to be paid to him quarterly by the king of France, who should also aid him, if necessary, with a force of 6000 French infantry, to be landed in England, in furtherance of the same design; — that the time of making such declaration of catholicity should be left entirely to the choice of the king of Great Britain; — that Charles on his side should aid Louis to his utmost power by sea and land, in asserting any rights or titles which might accrue to him on the Spanish monarchy, or in other words the eventual succession to the dominions of the infant king of Spain, if he should die without issue; — that each of the said kings having more than sufficient provocation to justify the resolution which they had taken to mortify the pride and humble the power of the United Provinces, — a nation ungrateful to the founders of their republic, and audaciously setting themselves up for arbiters and judges between all other powers, — the said kings should declare and make war conjointly, with their utmost force by sea and land, upon the said states-general, without peace or truce but with their joint consent, and punishing with death any of their respective

* It is true that James says, or is made to say by the compiler (i. 442.), that part of the money was paid in the beginning of the year, after the treaty had been finally concluded and signed. The latter is clearly a mistake, and so probably is the former. (See Dal. App.)

subjects taken in the service of the states;—that in the partition of their conquests, the king of Great Britain should content himself with the isles of Walcheren and Cadsand, with Sluys;—and that his nephew the prince of Orange should, if possible, receive an indemnity.

The essential wording of the treaty has been strictly given in the above abstract of its leading objects. There is no express or defined compact for establishing popery and despotism *, and the despotic intolerance, it may be added, of the church of England at this period was such, that no form of restored popery that can be reasonably imagined, could treat protestants with more rigour and rancour, than the high church treated catholics and non-conformists. But the question is not the character of the dominant church and the penal laws. The compact of Charles with Louis XIV. is to be viewed, without mitigation, as a flagitious bargain for money, with a foreign prince, to trample down the laws of the kingdom, and the rights and liberties of the people, by tyrannic violence and foreign force.

One point, it has been observed, was still undecided. The king of France, consulting his ambition and arrogance before his religion, would begin with the war upon those republican Hollanders, who had presumed to throw off his protection and arrest his conquests; whilst Charles would begin with unburthening his conscience by a declaration of catholicity. † He was encouraged in this by James, with the zeal of a sincere convert, and by Arundel and Arlington, who were gained over by the authority or reasoning of the duke. But it may be suspected, if not concluded, from the various pretences and artifices by which Charles postponed his "declaration," until he was at last obliged to decline it altogether, that his object was to be in a position to touch his infamous wages, and put off the performance of his services.

* The parties themselves had, most probably, not yet determined what they should do.

† This word has the demerit of barbarism and vagueness; but *Catholicité* is the term used in the original, and is more fairly rendered by "Catholicity" than by "Catholicism."

Louis resolved to employ the influence of Henrietta, duchess of Orleans, the king's sister, to change his purpose. Her commission was disguised by a visit of the French court to the new conquests of Louis in Flanders, and she came over armed not only with her own influence over a brother whom she loved, and who professed for her the tenderest affection in return, but with the seductions of a French lady, named Kerouaille in her train. She met Charles at Dover; failed to obtain from him any alteration of the treaty, but most likely obtained some verbal promise of a relaxation*; and returned to France with the treaty signed and sealed.†

The return of Henrietta was celebrated, as her mission had been disguised, by court festivities. It was known only to Louis, Colbert, and herself. Upon her return with the treaty, Louis, out of respect to Turenne, confided the secret to him. That famous captain was now near seventy, and the weakness of his years was played upon by the court priests and the sex. Bossuet converted him from a huguenot to a catholic; and his mistress extorted from him the secret of the treaty, which she conveyed to a more favoured lover, by whom it was imparted to the duke of Orleans of whose household he was an officer.

Louis XIV. is said to have been the lover of Henrietta, notwithstanding her marriage with his brother. The latter personage could endure the attentions of the king to his wife, but could not forgive her being intrusted with a secret of which he was deemed unworthy. He at first only indulged his ill humour; but a fresh provocation excited him to more violent resentment.‡ The princess walking after dinner, called for a glass of succory water, felt acute pain immediately after drinking it,

* Dal. App. and Œuvres de Louis XIV.

† This treaty, dated Dover, 22d May, 1670, has been made public for the first time by Dr. Lingard, from the original in the possession of Lord Clifford.

‡ "Madame," says Madame La Fayette, in her Life of Henrietta, "s'étant enfermée avec le roi à l'occasion du traité qu'elle avoit apporté d'Angleterre, *ou pour quelque raison secrete*, monsieur en fut irrité et laissa échapper contre elle les mouvemens de son indignation."

and declared that she was poisoned. Her physicians, her confessor, and Montague the English ambassador were immediately summoned. The dying Henrietta, in reply to a question of the ambassador *, declared herself poisoned, but was immediately and adroitly interrupted by the churchman, who told her, "she must sacrifice her life to God, and think of that only." She had spoken in English, but the quick ear of the priest caught the word "poison," which is the same in French, and alarmed him for her husband.†

Her death by poison is denied on the authority of a surgical examination *post mortem*. But the fact, if substantiated, must have criminated her husband; and a royal duke of flagitious life and contaminated reputation will in any age or country find partisans. There are few cases of court poisoning better established.‡ She spoke of her brother to Montague in her last moments with mournful tenderness. When sir Thomas Armstrong, an officer of his household, brought him the news of her death, his first impulse was to call her husband a poisoner. He checked himself before he had completely pronounced the word, dried his tears, and bade Armstrong say nothing about it.§ The French ambassador distributed 12,000*l.* in the English court, and the matter was hushed.‖

Mademoiselle de Keronaille the attendant, already mentioned, of the deceased princess, became one of the mistresses of Charles, was created duchess of Portsmouth, with a provision suitable to her station in rank and profligacy, at the cost of a besotted nation; served the interests of France very effectually, according to a French historian¶, and was rewarded by Louis XIV. with the domain and title of Aubigné in France.

* See Montague's letters on the subject cited in Ralph. i. 186, &c. note. Ralph mentions her death in words of touching simplicity: "She had no sooner drank it than mortal agonies seized her, and in a few hours all that remained of her was the story of what she had been." — *Ibid.*

† Madame de La Fayette, Vie de Madame, &c.

‡ Burnet, i. 552. Note of Lord Dartmouth.

§ Basnage, 2. sub ann. 1670.

‖ Id. ibid.

¶ Henault, Abrégé de l'Histoire, &c.

Of the cabal ministers of Charles, only Clifford and Arlington, the one openly, the other secretly, catholic, were in the secret of the treaty of Dover. The protestantism of Buckingham and Lauderdale is said to have excluded them. This should be understood negatively. They were excluded, not because they had a protestant conscience, but because they had neither conscience nor principle, religious or moral. They were men who would conclude the secret treaty one day, and disclose it the next, upon the suggestions of ambition or interest.

The meddling activity of Buckingham, the sagacity of Shaftesbury, and the keen self-interest of Lauderdale, rendered it difficult to keep them in the dark. The device adopted was to charge Buckingham and his two colleagues with the negotiation of a simulated treaty, corresponding with that of Dover in all but the conditions relating to the king's declaration of the catholic religion.* How far their not being fit depositaries of the religious secret, and their being duped by Charles, mitigates their infamy, is a matter to be estimated according to individual opinion.

Parliament stood adjourned to the 24th of October. The cabal and the court, encouraged by the venal liberality of the supplies in the last session, were now prepared to draw still more freely on the public purse. To put the commons in a better temper, they were previously gratified in their religious humour of persecution. The lord mayor and lieutenancy of London, having received full powers from the court, let loose the trainbands, horse and foot, upon all non-conformists assembled in prayer; and two quakers, William Mead and the more famous William Penn, were put upon their trial for riot. Their defence at the Old Bailey was made with an admirable union of courage and reason. The conduct of the court was alike brutal and iniquitous.† Howell,

* Louis insisted upon a secret article, providing that this treaty should not affect that of Dover. This was resisted with some perseverance by Charles, and his resistance is some proof or presumption of his never designing to make a public declaration of popery.

† See in State Trials, vi. 955, &c. "You deserve," says Stirling, lord mayor of London to Mead, "to have your tongue cut out." The provo-

recorder of London, praised the Spanish inquisition, declared "it would never be well with them till they had some such tribunal in England," browbeat the jury, and kept them without meat or drink for three days. They withstood this torture, persevered in their verdict of acquittal, and were fined by the court* for not having perjured themselves and betrayed their country. "Such a monster," says an acute and honest historian, "is religious tyranny." †

The king, after a few words to both houses, on the 24th, referred them to the lord keeper. That officer called for an extraordinary supply to equip a fleet, on the ground that the French and Dutch were enlarging their navies. Bridgeman, with Ormond, Trevor, and prince Rupert, had been excluded from the foreign committee. The lord keeper was doubtless ignorant not only of the treaty of Dover, but of the simulated treaty, and was perhaps an unconscious vehicle of this perfidious show of alarm from France, and zeal for the triple league. His speech, however, contained so many falsifications ‡ and inconsistencies that the court, from shame or fear, withheld it from the press, and allowed but few copies of it. § A thin house acquiesced, with obsequious silence, in a resolution to supply the king "according to his occasions," providing even for his debts, and without requiring an account of them.

The absence of opposition members was corruptly arranged with the court. In a little time the leading patriots, throwing off the mask, and stripping their countenances of all shame, re-appeared in the house of

cation was Mead's citing, "*Turpe est Doctori cum culpa redarguat ipsum*," of which most likely the civic magistrate understood not a syllable.

* Penn and Mead were fined forty marks each for not taking off their hats in court, with this aggravation, that the usher of the court having taken off their hats, the lord mayor rebuked him for having done so, and ordered him to put on their hats again, so as to bring them within the pretence of contempt, for which they should be fined.

† Ralph, i. 191.

‡ In demanding a supply of 800,000*l.* for the fleet, he stated the ordinary charge, communibus armis, to be 500,000*l.* a year; whereas it is stated in the estimates of 1668 and 1672 to be 200,000*l.* See Ralph, i. 176. 192.

§ Andrew Marvell states that he had great difficulty in obtaining a copy

commons as "undertakers" to the court for its measures in that house. Among them are named sir Robert Howard, sir Richard Grenville, and sir Robert Carr. "So many apostate patriots, says Marvell, were bought off at various prices from 5000*l.* to 15,000*l.* in money, besides lands, places, and reversions distributed to others, that it is a mercy they gave not away the whole land and liberty of England."

The eminent author of the Constitutional History of England, referring to the opposition so early as 1665, observes, that "in this assembly (the second parliament of Charles II.) a party soon grew up, and gained strength in every successive year, which the king could neither direct nor subdue." It is not unnatural for that historian to ennoble the pedigree of Whiggism. The heraldry of party, like that of persons, sometimes receives a false lustre; and in this instance an opposition party, which strikes one observer as fearlessly honest, will exhibit itself to another as composed of the dregs of the long parliament and the commonwealth, stirred into faction from disappointed interests, and ready to abandon or turn against the public cause upon the first strong temptation of ambition or avarice.

A supply having been voted, the ways and means 1671.
were provided with little difference of opinion, by a tax on lands, salaries, bankers' money, and stock, law proceedings, and an increased excise duty.

A remarkable incident grew out of what passed in the committee. It was proposed to tax the playhouses. The answer was, that the players were the king's servants, and part of his pleasure. Sir John Coventry asked a question, glancing at Charles's habit of taking his mistresses from the theatre as well as from the court; and was denounced for insolence to the king. He took the dastardly vengeance of a tyrant. His bastard son, Monmouth, acting by his order, placed in wait for Coventry, from ten at night till two, a detachment of his troop of guards, and Coventry, overpowered by the assassins, after a brave defence with his sword, was left by them for

dead, after they had slit his nose with a penknife. The commons took fire at this disgusting outrage, the lords considered their faces not wholly secure *, and both houses passed a capital bill against cutting and maiming, known as the Coventry act in the statute book. Charles made a faint demonstration of vindicating the assassins, and bringing Coventry to account for the language which provoked them — the commons made some demonstrations still fainter of bringing the assassins to justice; but the matter ended in the Coventry Act.

The commons soon forgot their resentment; passed the supply bills; and consummated their reconciliation with the king by a scene odious alike for its rancorous intolerance on the one side, and its outrageous hypocrisy on the other. They presented to Charles, in concurrence with the lords, an awful remonstrance upon the growth of popery; and Charles, having before his eyes no respect of God, or of the treaty of Dover, made public

* "Lords' noses," said sir Robert Holt, "are as ours are; unless they be of steel, it concerns the lords as well as us; as in lord Ormond's case." The noted desperado, called colonel Blood, with five other ruffians, had seized the duke of Ormond in his carriage, as he passed along Piccadilly to dine with the lord mayor, mounted and bound him behind one of the gang on horseback, and rode off with him towards Tyburn, for the purpose of hanging him there; but they had not gone far, when the duke contrived to dismount the ruffian, and whilst struggling with him was rescued by his domestics who came up.

Blood's next exploit was the still more noted one of stealing the crown out of the Tower. Upon being apprehended, he avowed not only the latter offence, but the attempt upon the life of Ormond, with such hardihood, that Charles felt a curiosity to see a person so extraordinary. The crafty villain, during the interview, declared that he had been engaged to kill the king whilst bathing at Battersea, "for his severity to the godly," but that under the awe of majesty his heart failed him; professed indifference for his own life, because a fraternity of several hundreds, to which he belonged, was bound by an oath to revenge the death of any individual member of it; and, in short, played so artfully upon the fears of Charles, that he was not only pardoned, but pensioned, and admitted familiarly into the king's private apartments at court. His pardon was made conditional upon the consent of the duke of Ormond, who gave it instantly, with the observation, that the king could wish to see a malefactor only to pardon him. "Thus," says a historian of this period, "within the compass of a year, the tragical death of a sister tenderly beloved, was forgiven; the royal guards were put on the office of *bravoes*, to set a mark on a senator for words spoken in parliament; and the *assassin* of the king's best friend was pardoned, rewarded, and taken into grace and favour." — *Ralph*, i. 195. It remains a question, whether Blood attempted the life of Ormond in revenge for the execution of the conspirators convicted of the design to seize Dublin Castle, in 1663; or was hired to despatch Ormond by two mortal enemies of his person and his virtues, the duke of Buckingham and lady Castlemain. Both suppositions may be correct.

proclamation, that "having always adhered, against all temptation, to the true religion established, so he would still employ all his utmost care and zeal in its maintenance and defence." *

A fresh collision between the commons and lords brought their sittings to a close. The merchants of London petitioned the lords against the prodigality of the commons, and particularly objected to one of the supply bills. That house, affecting an extraordinary regard for economy, for the city, and for the people, took advantage of the occasion to divide with the commons the dominion of the public purse, and made alterations in the inculpated money bill. The commons remonstrated against this usurpation of their exclusive and essential privilege, and a prorogation broke off the dispute.

The privileges of parliament generally, and the respective attributes of the two houses particularly, were undefined and unsettled. It has been observed that the lords attempted, in Skinner's case, to invade the jurisdiction of the courts of Westminster over property — and they now ventured upon an assumption of participation, if possible, more flagrant and dangerous in the granting of supplies. The commons had the merit of checking them in both instances; but they too, on their side, asserted, under the name of privilege, a power no less violently wrong—that of questioning two persons † who took proceedings against the lord mayor of London after a resolution of the house that he had the warrant of law for imprisoning them. The

* Parl Hist. iv. 476.

† "Notwithstanding this vote, Mr. Jekell soon after ventured to sue sir Andrew King at law; of which information being given to the commons, they fell into a heat, and resolved, 'That Mr. Jekell be sent for in the custody of the serjeant-at-arms, to answer his contempt in prosecuting his suit at law against sir Andrew King, after the vote of this house, whereby it was declared, That the commitment of the said Mr. Jekell was in order to the preservation of the king, and peace of the kingdom.'" And further, they ordered Mr. Burton, counsel for Mr. Jekell, and Mr Ogden, his attorney, to be likewise sent for in the custody of the serjeant-at-arms, for their contempt in moving and acting for Mr. Jekell, after the fore-mentioned vote; but they were afterwards, on their submission, discharged."—*Parl. Hist.* iv. 459, 460.

mass of the people, from the case of Floyd in the reign of James, so notorious for usurpation and atrocity, down to the case of the two non-conformists, Hays and Jekyl, and perhaps to the present day, is disposed to view with a sort of confidence and complacency the pretensions of an assembly emanating from itself. This has its dangers. The individual rights and liberties of the people could not be more grievously compromised than by giving to a popular assembly, liable to be inflamed, and unlikely to be informed, the power, under any pretence of privilege, to supersede Westminster Hall in a matter of civil or criminal procedure between man and man. In collisions between the privilege of parliament and the laws of the land, it is the interest of the nation and the policy of freedom that the latter should prevail. The house of commons has privileges only for the practical exercise of its legislative and representative attributes. On the 22d of April, the parliament was prorogued to the 16th of that month in the following year.

Events of deep interest, and of lasting infamy to the nation through its degraded and degrading sovereign, fell out during the recess. The two sceptred conspirators against the liberties of England and the existence of Holland soon began. James's religion was no longer a secret. His absence from the sacrament, and the death of the duchess in communion with the church of Rome, left no doubt upon the matter. Whether the duchess of York, a weak woman of vulgar understanding, was made a catholic by her husband, by her Franciscan confessor, or by the "protestant popery"* of the high church divines, is a question that may here be dismissed without inquiry. The scolding remonstrances of her father, lord Clarendon, from his exile, and of her elder brother, lord Cornbury, in person, were not calculated to convince her. Her younger brother, Laurence Hyde, afterwards earl of Rochester, and the chosen champion

* Lord Faulkland's expression in the long parliament.

of the church, was doubtless aware of her defection, but maintained a politic silence. In religion violent demonstrations are used sometimes to cover hollow faith; and there was, perhaps, more of political ambition than religious zeal in Rochester's subsequent career.

Whilst Charles with his hypocrite professions hung back, James urged on with the zeal of a sincere convert. The votes of parliament supplied the means of equipping a fleet. The utmost activity prevailed in the chief naval arsenals, Portsmouth and Plymouth, under the direct orders of James as lord high admiral. At the same time new levies took place, and the chief fortresses were garrisoned with such regiments as afforded some pledge of their fidelity to the court against the nation, in their own principles or those of their commanding officers.*

Among the places thus secured was Berwick-upon-Tweed. Lauderdale, the successor of Middleton in the government of Scotland, having the king's authority, in his own person, organised the militia of the kingdom in readiness to march into England at the pleasure of the court. James already rejoiced in imagination over the conversion and salvation of a heretic people — "nor was," says he, "the generality of the church of England men at that time very averse from the catholic religion." † If James meant the laity, he obviously misjudged. But he had some reason to count on the inclinations of the priesthood, — especially when the retention of lordships spiritual, and temporal wealth would be placed in the scale, — when, to give the high authority of Hallam in his own words, "it is plain that the duchess of York, as well as the duke, had been influenced by the Romanising tendency of some Anglican divines." ‡

The presbyterians had recently shown themselves less disposed to bend their religion to their interests. If credit may be given to the "Life of James," a somewhat curious

* Life of James, &c. i. 443.
† If credit may be given to his "Life," &c. compiled from his MSS.
‡ Const. Hist. ii. 515, note.

scheme was adopted to reconcile all the non-conformists to the intended change. "The rigorous church of England men," says James, or the compiler, "were let loose and encouraged, underhand, to prosecute according to law the non-conformists, to the end that these might be more sensible of the ease they should have when the catholics prevailed." * This is borne out by the evidence of two concurring and indisputable facts, — the recent change in the temper of the court from indulgence to persecution of non-conformists — and the greater severity with which the church uniformity acts, prohibitory and penal, were enforced.

The evasions of Charles when summoned by Louis, to declare his religion, put that ambitious bigot and strenuous voluptuary upon executing his views of conquest. His first overt act was to seize Lorraine and depose the duke from his sovereignty. This prince, so gallant and unfortunate all his life, appealed for justice to the courts and cabinets of Europe. His wrongs were placed before Charles, by himself, and by the states-general. The duke had offered Charles when in exile the aid of his person and troops against the usurping commonwealth. The Dutch urged that the seizure of Lorraine infringed the triple league and endangered Holland. The former appealed to a prince who knew not to be generous or grateful — and the latter to one who had conspired their destruction. An answer, diplomatically evasive, was given by Arlington; and Temple was recalled from Holland, — to be succeeded by Downing, a person odious to De Witt and the Dutch for his insolence, and soon, no less despicable both in Holland and England for his cowardice.

The confidence of Temple, in the intentions of the cabal and of Charles, amounts to credulous simplicity. It is true he was called home on the pretext of consulting with him personally; but his previous instructions from Arlington, — more especially that against admitting the

* Life of James, &c. i. 443, 444.

emperor as a party to the triple league,—the information which reached him from the Danish envoy at the Hague, that he was recalled at the desire of France,—the reserved and slighting manner in which he was received in England by Arlington,—the hollow familiarity of Charles himself, in the first audience of Temple*,—should have opened his eyes. It was not his interest to be clear-sighted. At the same time he did nothing to compromise his good faith in the opinion of De Witt.

Charles and the cabal now looked only for an opportunity to break with the Dutch. The captain of the yacht which brought over lady Temple, was sent to the Tower on his arrival, because he had not fired on the Dutch fleet till they should lower their sails to him. At the same time the court of Spain received assurances of the king's firm resolution to maintain the triple league and the treaty of Aix-la-Chapelle, with the offer of his mediation between Spain and France. His arbitration was accepted — but to follow the course of a perfidious arbitrator, who was the hireling accomplice of one of the parties, would be fruitless,—particularly as it passed away without any memorable stroke of successful treachery.

Neither the assurances of Arlington to the court of Spain, nor the special mission of sir Robert Southwell to Madrid, nor the perfidious mockery of arbitration imposed upon the Spaniards. An alliance, offensive and defensive, between Spain and the states-general was concluded with De Witt, by don Manuel de Lira, Spanish envoy at the Hague, and the count de Monterey, governor of the Spanish Netherlands.

It was at this moment that lord Sunderland, afterwards so well known, appeared for the first time in public life, as envoy to Spain, ostensibly to prevent war, but really to act in concert with the marquis de Villars, despatched by Louis at the same time to the Spanish court. The French envoy scarcely deigned to veil the designs or the

* Temple's Letters, in his Works, Arlington's Letters sub ann. 1669, 1670. Arlington, in a letter to sir William Godolphin, ambassador at Stockholm, says, "A rougher hand" must be employed with the Dutch in the room of sir William Temple.

arrogance of his master. His instructions, he said, were to assure the queen regent that the most christian king would humble, not subjugate the Hollanders, — to demand a free passage for his troops through the Netherlands, — and, in case of a refusal, to declare that his master, with 60,000 men in Flanders, could force his way. The masked movements of Sunderland, dictated from London by Arlington *, and the undisguised insolence of Villars, tended only to confirm the Spanish court in its dispositions towards the Dutch. Monterey and De Lira received orders to make common cause with them against France, and hostilities seemed inevitable.

* Arlington's Letters, sub ann. 1671.

CHAP. IV.

1672—1674.

SECOND DUTCH WAR. — SHUTTING OF THE EXCHEQUER. — ATTACK ON THE DUTCH SMYRNA FLEET. — DECLARATION OF WAR ON HOLLAND. — CHARACTER OF THE YOUNG PRINCE OF ORANGE. — BATTLE OF SOLEBAY. — PERILS OF HOLLAND. — THE PRINCE OF ORANGE MADE STADTHOLDER. — MASSACRE OF THE DE WITTS. — DELIVERANCE OF HOLLAND. — MEETING OF PARLIAMENT. — SECOND DECLARATION OF INDULGENCE. — CLIFFORD MADE TREASURER AND SHAFTESBURY CHANCELLOR — DISPUTED ELECTIONS. — VOTE OF SUPPLY. — SUSPENDING OR DISPENSING POWER. — THE DECLARATION OF INDULGENCE CANCELLED. — FORCED UNIFORMITY. — THE TEST ACT. — THE DUKE OF YORK AND LORD CLIFFORD REFUSE THE TEST AND RESIGN THEIR OFFICES. — LORD DANBY MADE TREASURER. — SHAFTESBURY IS DEPRIVED OF THE GREAT SEAL AND SUCCEEDED BY SIR HENEAGE FINCH, AS LORD KEEPER.

THE aspect of public affairs threatened a continental, 1672.
not an European, war; and the position of Charles in seeming was that of a looker on. It was his fortune and his crime not only to appear the most forward in this iniquitous war, but to begin it with two proceedings, of which the infamy is without parallel.

His discharge of his debts, his continued prodigality, and his warlike preparations, naval and military, consumed the parliamentary supply and the French pension: no resource seemed left but the dangerous or hopeless one of an appeal once more to parliament, — or one of those strokes of prerogative which brought the late king to the block. A third resource suggested itself to Clifford, according to some, to Ashley, according to others.*

* Burnet charges it upon Shaftesbury in the following positive terms, "The earl of Shaftesbury was the chief man in this advice. He excused it to me, telling me what advantage the bankers had made, and how just it was for the king to bring them to an account for their usury and extortions: and added, that he never meant the stop should run beyond the

It will be remembered that the long parliament began, and the commonwealth continued, to borrow money of

year. He certainly knew of it beforehand; and took all his own money out of the bankers' hands, and warned some of his friends to do the like." Swift's note upon this passage in the Oxford edition is, "Clifford had the merit of this." Evelyn also ascribed it to Clifford (iv. 425.). Arlington, on the other hand, ascribes it to Shaftesbury (Letters cited in Lingard, xii. 239.); and Lord Dartmouth in the following note on Burnet (Burnet *ut suprà*) confirms the bishop's account: — "He told it to sir Charles Duncombe, who had a very great sum of his own in the exchequer, besides thirty thousand pounds of the marquis of Winchester's that he drew out before the stop; which was the reason the duke of Bolton espoused his interest so zealously upon his impeachment in king William's reign, and brought him off by one vote in the house of lords, though it was generally thought, not without some charge to Duncombe, besides some engagements in relation to another affair, then depending between Carey and Bertie." The "Life of James, &c." also charges it upon Shaftesbury, but in a passage which bears internal evidence of being written by the compiler not by the king. The following passage in Belsham's introduction to his history of England, was received as turning the scale in exculpation of Shaftesbury: — "Mr Hume asserts, after Burnet, that Lord Shaftesbury suggested to Clifford the infamous advice of shutting up the exchequer; although these statesmen were at this very time inveterate political adversaries. And there is extant a paper of objections, admirably penned, left by lord Shaftesbury with the king, against that violent and iniquitous measure; and also a letter of the same nobleman, in which, adverting to this report, he styles it "foolish as well as false."—"If any man considers," says he, "the circumstances of the time when it was done, and that it was the *prologue* of making lord Clifford lord high treasurer, he cannot very justly suspect me of the counsel for that business, unless he thinks me at the same time out of my wits." And the *duke of Ormond*, a man of honour, though of the Clarendon or York party, was heard to declare "his wonder, why people accused lord Ashley of giving that advice, for he himself was present when it was first moved by lord Clifford, and he heard lord Ashley violently oppose it. Some of these particulars are extracted from original materials, not yet made public, but which will probably appear at no very distant interval." The letter above referred to, was addressed to Locke, and published for the first time in lord King's life of that philosopher. Last comes in further exculpation, a "paper of objections," given under the title of "Reasons against stopping the due course of payment in the exchequer," with a version, somewhat varying from lord King's, of the letter to Locke, and the story of the duke of Ormond, *totidem verbis*, in the recently published life of Shaftesbury, to which Belsham obviously alluded, as the "original materials," seen by him. "Sir Thomas Clifford," says the writer of the life, "had made the same proposal in council, the midsummer before; at which time lord Ashley opposed it, and with so much vigour, that it was then laid aside. Sir Thomas afterwards renewed it, and with that preface mentioned by sir William Temple; upon which lord Ashley drew up the following reasons to convince the king of the hardship, injustice, and ill consequences of this step. These reasons Mr. Stringer transcribed, and went with him to Whitehall, when he immediately attended the king, who took lord Ashley, with the earl of Lauderdale and sir Thomas Clifford, into his closet, where they continued about two hours. Lord Ashley, on his return, told Mr. Stringer he had once more strenuously opposed that inconsiderate and oppressive scheme, but found he could do no good; however he had left with the king his objections." The "Life" then gives lord Ashley's five reasons, which are prophetically sagacious, and the letter to Locke, in reply to a pamphlet which he evidently regarded as coming from some of his colleagues in the Cabal ministry. "You guess very right," says he, "at the design of the pamphlet you sent me. It is certainly designed to throw dirt at me; but it is like the great promoter

the capitalists of London on the security of the public faith. From the inviolability with which these obliga-

of it, foolish as well as false. I am very well armed to clear myself, being able to prove what my opinion was of it when it was first proposed to the council; and if any man considers the circumstances of the time, when it was done, and that it was the prologue of making lord Clifford lord high treasurer, he cannot very justly suspect me of the counsel for that business, unless he thinks me, at the same time, out of my wits. Besides, if any of the bankers had inquired of the clerks of the treasury-chamber, with whom they are well acquainted, they might have found that sir John Duncombe and myself were so little satisfied with that way of proceeding, that from the time of the stop, we instantly desisted from paying or borrowing of money. I shall not deny but that I knew earlier of the counsel, and foresaw what necessarily it must produce, perhaps sooner than other men, having the advantage of being more versed in the king's secret affairs: but I hope it could not be expected by any who do in the least know me, that I should have discovered the king's secrets, or betrayed his business, whatever my thoughts were of it."

The authority of the duke of Ormond, and a reply of Shaftesbury to the chancellor Finch, earl of Nottingham, are next cited, as follows:—"The duke of Ormond, some time after, being in company where the stop of the exchequer was the subject of conversation, declared, 'that he wondered why people accused lord Ashley of giving that advice, for he himself was present when it was first moved by lord Clifford in council, and heard lord Ashley passionately oppose it.' Some years after, when lord Ashley (then earl of Shaftesbury) was entirely out of favour, lord chancellor Finch being attacked by him for some of his proceedings, instead of vindicating himself, only answered, by way of recrimination, that he did not advise the breaking of the triple alliance; he did not advise the stop of the exchequer; nor did he advise the making of the Dutch war. Lord Shaftesbury immediately replied with great coolness, appealing to the lords of the council, who were in the house, whether these transactions were owing to his advice. He accused nobody; but spoke in such a manner that the whole house seemed convinced of his innocence. Upon this, lord Arlington, who had no good understanding with the chancellor, asked the king, who was then present, which of the two had acted most respectfully towards him; since he knew how open lord Shaftesbury could have laid those affairs, and yet, under such provocations, he only cleared himself, and still kept the secret. Upon this the king rebuked the chancellor for meddling with the secrets of the council in so public a place; and told him he knew nothing of these matters."

The case here made for lord Shaftesbury is not wholly free from objection. With respect to Ormond, he at the time shared the disgrace of his friend Clarendon, and appears from Carte's life of him (see vol. ii. book vii., to have attended the council only on business relating to Ireland (from the government of which he had just been removed) in his own defence. Next, it is scarcely credible that his son lord Ossory should not have known from him the injustice done to Shaftesbury; and knowing it, he, a young nobleman of chivalrous character, never would have made it, as it appears he did, a ground of accusation against Shaftesbury in the house of lords in 1679; after stating what his father did, he retaliates upon Shaftesbury by the common rhetorical artifice of telling what he did not do:—"Having spoke of what he has done, I presume, with the same truth, to tell your lordships what he has not done. He never advised the breaking of the triple league; he never advised the shutting up of the exchequer; he never advised the declaration for a toleration; he never advised the falling out with the Dutch, and the joining with France: he was not the author of that most excellent position of '*delenda est Carthago*,' that Holland, a protestant country, should, contrary to the true interest of England, be totally destroyed. I beg your lordships will be so just as to judge of my father, and of all men, according to their actions and counsels." Again, if Ormond was present at any council

tions were discharged, a relation of systematic credit was created between the private capitalists and the state, and continued after the restoration. In an evil hour it occurred to Ashley, or more probably to Clifford, to shut up the exchequer, lay hands on the principal, and suspend the interest for twelve months. Charles received the proposal with transport. It was proposed, in his presence, by Clifford to the council, with an intimation that the king must have money to make war upon the Dutch, and that no one should oppose the scheme unless he was prepared with a better. The proposition was adopted, without a breath of opposition in the council * to so infamous a proceeding. The result may be easily imagined — in the crash of commercial and banking houses, the wide spread ruin of private individuals and families, and the universal hatred of the ministry. A remedy, still more desperate than the evil, was entertained for a moment — and abandoned — to suspend the process of law between debtor and creditor.

A declaration of the king in council, that this measure was forced on him by the necessity of keeping pace with the preparations of his neighbours, produced only disgust at a pretence, the falsehood of which was now seen through, and alarm at the obvious implication that the king looked to other sources than a parliamentary supply.

From fraudulent bankruptcy at home, to piratical violence abroad, was but a step to Charles and his counsellors. The Dutch Smyrna fleet, with the rich freight

in which Shaftesbury opposed the closing of the exchequer, it must have been the midsummer council, above mentioned, of the preceding year, for the writer of the life admits that the king, as stated by sir William Temple, instantly silenced all opposition; and it has been observed that Shaftesbury, on his own showing, or that of the writer of his life, opposed the measure, when carried, not in the council but in the king's closet, where none were present but the king, Shaftesbury, Clifford, and Lauderdale. Again, in the vague reference to the reply of Shaftesbury to Nottingham, the above cited speech of lord Ossory seems to have been erroneously ascribed to the chancellor; and Arlington, who ascribes the shutting of the exchequer to Shaftesbury, in his letters, could not have cleared him in the house of lords, as set forth in the Life, &c. In fine, Shaftesbury's vindication rests mainly upon his own letter to Locke; and his not vindicating himself publicly is accounted for fully, and to his honour, by his undeviating observance of the obligation of secrecy in all matters of official or party confidence.

* See preceding note.

of the Levant, was valued at a million and a half sterling. Whilst the English and Dutch were still at peace, and professing even relations of amity, sir Robert Holmes received orders to surprise and capture this fleet on its return. The English admiral meeting the Dutch, is said to have invited the Dutch admiral and chief officers on board his ship — but Van Ness, already warned by the States, declined this perfidious courtesy. That he had notice of his danger is certain,—for care was taken to afford protection to the fleet. Sir Robert Holmes, with the earl of Ossory, attacked the Dutch with the utmost bravery, and were as bravely repulsed by the Dutch admiral, who after two days' fighting, saved his convoy with only slight loss. The shame of an act, which success could not redeem was aggravated by failure. An attempt was made by the court to give it the colour of an unexpected rencontre, produced by the usual question of the honour of the flag.* Lord Ossory looked back to it as the only stain upon his short and gallant life.†

A declaration of war immediately followed. His majesty declared that war upon the Dutch was a matter of inevitable necessity, produced by their denial of reparation for injuries done to his subjects abroad; the refusal to lower their sails in the Channel; insulting medals, and scandalous caricatures.‡

Louis at the same time issued his declaration of war, under the arrogant title of an "ordinance by the king," — as if the Dutch were already become his vassals. He could no longer, he said, dissemble his indignation without diminishing his glory. "One never can read," says Mr. Fox, "Louis's famous declaration against the Hollanders, knowing the event which is to follow, without feeling the heart dilate with exultation and a kind of triumphant contempt, which, though not consonant to the

* Gazette, No. 660.

† Evelyn's Diary, and Carte's Ormond, sub ann. 1672.

‡ The court pamphlets of the time reproduced some of the caricatures published in Holland. One represents a lion with three crowns reversed, and without a tail: another, three English mastiffs, with their ears cropped and their tails cut off, barking at a Dutchman, with the inscription, *Devictis Anglis,— latrant, non mordent.*

principles of pure philosophy, never fails to give the mind inexpressible satisfaction." * A special envoy †, sent from England to Sweden, had already detached that court from the triple alliance.

The confederacy of powers, now formed to crush the republic of the United Provinces, may be compared to that of Cambray against the republic of Venice in its injustice, — with, on the part of Charles, a peculiar and transcendant infamy.

The dangers which threatened Holland from abroad were aggravated, all but fatally, by dissension at home. The Orangists, consisting for the most part of ambitious courtiers, foreign factions, the clergy and the rabble, intrigued and clamoured against De Witt. That great minister and patriot tried to conciliate them, and made a concession which brought for the first time on the scene a person less magnificent as a monarch than his rival Louis XIV., but more illustrious as a man — William prince of Orange.

The position of William, now in his twentieth year, requires a moment's pause in retrospect. William I., the immortal founder of the republic of Holland, left a son, the heir of his talents, but not of his patriot moderation and personal magnanimity. Maurice, supported by fanatic preachers, and the populace, aspired to be the military dictator of the republic, and brought the virtuous Barnevelt to the block. His brother and successor, Henry Frederic, fought for the defence, whilst he respected the freedom, of the commonwealth, and obtained, as a mark of gratitude from the States, the succession of his son to the stadtholderate. That son, William II., proved unworthy of his father and of his trust. He outraged the laws, attacked the chief cities by force of arms, confined the patriots who opposed him in the castle of Louvestein, and was checked in his career

* Fragment, &c. Introductory chapter. The expression used in the declaration is *courir sus*, as if the Dutch were a community of outlaws, to be run down without regard to the usages of civilised warfare or humanity. — Dumont, Corps Dip sub ann. 1672.

† Mr. H. Coventry, Letters of Arlington, 1671.

by death. His widow, the daughter of Charles I., was delivered in a few days of a posthumous child, whose premature birth and physical debility gave little hopes of his long surviving: this was William III.

The supreme power was now vested in the States General, and administered by John De Witt, pensionary of Holland, son of one of the prisoners of Louvestein, the equal of Barnevelt in virtue, his superior in political ascendant and genius. William, thus shorn of his hereditary honours, passed his infancy and earlier years chiefly under the care of Amelia of Solms, widow of Henry Frederic, and was consigned as he grew up to the tutelage of De Witt. He was thus in the hands of one, the great object of whose life was to keep down the authority and pretensions of his family. The transfer of the prince to the guardianship of De Witt was a sort of party revolution. De Witt, consulting the interests of his party, and it may be added of his country, removed those who had hitherto surrounded the prince, and placed near his person others upon whose fidelity he could rely. He at the same time maintained his character in the discharge of his trust. He studied to inspire the prince with the sentiment of respect for the liberty, and zeal for the welfare of his country; and, with the strongest aversion to the stadtholderate, he took care to qualify his ward for the exercise of supreme authority, if he should ever be raised to it, by his own ambition, or the vicissitudes of his country.

The character of William discovered itself at this first crisis of his life and fortunes. In his tenth year he could command the impenetrable reserve and impassive tranquillity of his maturer life. He solicited, through D'Estrades, permission for his relative Zulystein to remain with him; bore a refusal without seeming discontent; said he should be governed by De Witt, as a son by a father; disclaimed any engagement or partiality to England; and declared, that being the States' child, he should have no friends but theirs.* "The prince of

* D'Estrades, sub ann. 1666.

Orange," says D'Estrades, writing to the secretary of state, Lionne, "has capacity and will have merit: he knows how to dissemble, and omits nothing to gain his ends." This was his character sketched to the life, by a shrewd observer.

The lessons of the guardian were not lost upon the ward. It is true that De Witt failed to inspire William with as much respect as might be desired, for the liberty of the republic; but he taught him to love his country, and to devote himself to its independence.

The prince made a visit to England in 1670, after the treaty of Dover. His worthless kinsman Charles thought he might be bought over by a share of the spoils of Holland; and finding him too faithful to his country and his religion to be trusted with the great secret, would have detained him in England, had not Louis XIV. deprecated a proceeding of such baseness.* Such was the person now invested with the command of the armies and fleets of the republic, as captain and admiral general, and looked to as the saviour, with the peril of his becoming the dictator, of the commonwealth. To guard against this peril De Witt and the republicans bound the prince, by an oath, to observe the perpetual edict for the abolition of the stadtholderate, and to refuse it if offered to him. The prince was in his twenty-first year, without bodily vigour or military experience, and the troops at his disposal were neither numerous nor disciplined; — but he had capacity, patriotism, and force of soul.

The first shock of battle in this memorable conflict was at sea. The English fleet, commanded by the duke of York and lord Sandwich, having joined the French squadron under the orders of the count D'Estrées, took a view of the Dutch fleet lying at Ostend, and returned for its full complement of men and provisions to Solebay. James, misled as he says † by the opinion and report of some of his officers, lay securely at Solebay, whilst De Ruyter, with the Dutch fleet, bore down upon

* Dal. ii. 70. † Life, &c. i. 462, &c.

him so unexpectedly that the combined fleet was nearly surprised at its moorings. Lord Sandwich, trained in the school of Blake and the commonwealth, and experienced in naval war with the Hollanders, suggested to him the prudence of putting to sea, so as to be prepared for action; and was met in reply, with an insinuation that his counsel was the result of fear. The sagacity of Sandwich was soon borne out by the event, and his courage vindicated by his behaviour and his fate.

On the 28th of May, De Ruyter was in sight; and the result was a drawn battle, fought with desperate bravery and serious loss. There are many accounts in detail of this famous battle, and the particulars would here be out of place.* The earl of Sandwich, in the Royal James, having seen the Dutch vice-admiral Van Ghent fall before him, sunk a man of war, and disabled two fire-ships, came in contact with a third, and perished in the flames with his ship and part of his crew. It is said that he had a presentiment of his fate.† His vice-admiral, 'old sir Joseph Jordan," as he is called by James‡, followed up his orders, and rescued the duke from De Ruyter, after having been twice obliged to shift his flag. Lord Ossory served in this action with his accustomed gallantry. The famous Du Quesne, served under D'Estrées, but did nothing worthy of his renown. The brunt of the fight was borne by the English. Both fleets found it necessary to return respectively into port to repair their losses.

De Ruyter, having maintained the naval honour and maritime balance of Holland against its great rival in the battle of Solebay, rendered his country another service less brilliant, but not less valuable, by convoying the India fleet in safety to the Texel.

Meanwhile the storm was gathering over the devoted

* There is a minute, and doubtless authentic, account in the Life of James, &c. i. 460, &c. See also the official account in Somers's Tracts, and the description, by Sheffield duke of Buckingham, who was engaged. Works, ii. 14.

† Evelyn, ii. 36. Sheff. D. of Bucks. ii. 14.

‡ Life, &c. ii. 458

republic on land. Louis was in full march with Condé, Turenne, Luxembourg, Vauban, his war minister Louvois, a hundred and ten thousand men, and chests of gold to corrupt as well as conquer. He came not to subdue, but to destroy. "I will," said this insolent despot, "drown these shopkeepers in their own dikes." * He passed the Rhine at a place where it was easily fordable, in the face only of a few hundreds of Dutch horse and foot without courage or discipline; and this common-place operation was magnified, by the literary sycophants of his court, in prose and verse, into an exploit, which should immortalise one who had little share in its conception, and still less in its execution. †

The prince of Orange had no force to take the field or defend his lines beyond the river, and Louis having over-run three of the seven provinces, Utrecht, Overyssel, and Gueldres, pushed his outposts to the gates of Muiden, which commanded the sluices of Amsterdam. The consternation of the citizens was such, that the municipal council deliberated upon the question of sending the keys to Louis. "Invincible heroes," said the sarcastic burgomaster, "wait at least until he asks you for them." ‡ But the citizens of the republic most distinguished for their wealth and virtue also despaired, and measures were in progress for abandoning for ever the country of their birth, and embarking with fifty thousand families for Batavia, to make it their new country. De Witt in this extremity proposed to the States a

* Voltaire, Siècle de Louis XIV. Note in the recent editions.

† Boileau, distinguished alike for satire and servility, says of Louis XIV, in his epistle on the passage of the Rhine, with an ambiguity open to the suspicion of malice, "Se plaint que sa grandeur le retienne au rivage."

‡ Amsterdam was saved by an error of the French general in wasting time at Naarden, and was exposed through a more grievous fault of the young and inexperienced prince of Orange, who left the gates of Muiden undefended. Muiden, and with it Amsterdam, is stated to have been saved by a maid-servant, who, seeing the French soldiers, let down the drawbridge and shut the gates.—*Basnage*, ii. sub ann. 1672.

Mém. inéd. de Brienne, ii. 252. — Brienne ascribes the animosity of Louis XIV. against the Dutch to the Dutch ambassador Van Beuning having put on his hat in an audience of Louis with an air of defiance, and ascribes the safety of Amsterdam to Louvois's having over-ruled the opinion of the prince Condé, and persuading Louis to garrison and secure the conquered places of strength, instead of pushing his conquests.

deputation to sue for peace, or rather for mercy, to Louis XIV. He was strenuously opposed by the prince of Orange. "The same God," said William's confidant, Fagel, "who rescued us from Philip may from Louis."

Buckingham, Arlington, and Halifax, had by this time arrived in Holland, under the perfidious mask of envoys to mediate peace. They urged the prince to submit. "Do you not see," said Buckingham to him, "that the country is lost?"—"There is," said he, "one way of never seeing it lost—it is to die in the last dike." * Fine phrases are easily invented; and the prince of Orange had neither wit, sentiment, nor imagination;—but he had the truer and rarer grandeur of action—not of phrases. He did not die in the last dike, but he saved his country.

The States had sent special envoys to England, before the deputation to the French monarch. Their hopes from both were equally delusive. In England their ambassadors were received with evasions and slights by the court, and barren sympathy by the people: in the French camp the deputation was treated with insulting raillery. After long suspense, they were informed, that the king would grant the United Provinces pardon and protection, upon the following among other conditions:—that the States should cede to him several of the strongest places in the bosom of their territory; that the French should have free passage in Holland by land and water; that the republic should each year send an extraordinary embassy to the king, with a gold medal, upon which should be inscribed their acknowledgment that they owed him their liberty; that they should pay him 20 millions of livres, and the claims of his hireling and rapacious satellites,—the bishops of Munster and Cologne, and the king of England. Louis at the same time offered the prince of Orange the sovereignty of a

* Other expressions are ascribed to him—as, "that he would embark with his friends for Batavia;"—"that he would retire to his estates in Germany, and pass his time in hunting."—See Temple, vol. ii. Burnet, vol. i. sub ann. 1672.

remnant of his country, under the degrading protection of the two monarchs of France and England.

The prince had so far compromised his character, as to send an envoy from himself with the States' deputies, to obtain a safeguard for his personal estates.* He redeemed this false step by the magnanimity with which he rejected the offers made to him in reply.

The pride and insolence of Louis inspired the people with the courage of despair, and, preferring death to slavery, they resolved to die with arms in their hands. Such a determination in extremity is the sheet anchor of salvation.

Whilst the republican Hollanders — comprising that mass of the industrious, the enlightened, the brave, and the free, which alone merits the name of people — were thus resolved to perish with their country, or rescue it from bondage, the populace acted its accustomed part in the crisis of public danger. At Dort a tumultuous mob of Orangists set up the cry, "A stadtholder!" called in the prince of Orange, who accepted their invitation, and extorted from the timid magistrates the revocation of the perpetual edict, the release of the prince of Orange from his oath, and the investiture of the prince as stadtholder. William, at this early age, showed the phlegmatic temper and profound policy which characterised his life. He professed his obedient resignation to the will of the magistrates, but required that he should be previously absolved of his oath. The magistrates released him, but the scrupulous prince would be absolved by spiritual authority; and two reverend pastors, who were active in the riot, eased his conscience.

The same scene was repeated at Rotterdam, Middleburgh, the Hague, and Amsterdam; and the lawful magistrates were violently deposed to make way for the nominees of the prince of Orange.

Much irregularity and violence would be excused in a crisis of such excitement and extremity; but, unhappily,

* Basnage, ii. 346.

the popular passions took a direction the most deplorable. De Witt, like Phocion, saw no safety for the republic, but in submission to the conqueror. Perhaps he thought the nation could more easily recover its independence from a foreign tyrant, than its liberty from a domestic dictator. The populace, wrought on by the partisans of the prince, and inflamed by the preachers, saw, in one of the most stainless of politicians, a traitor, who had sold his country to France. Four assassins waylaid and stabbed him as he returned from the states chamber to his house at midnight. One of the assassins was condemned and executed; the remaining three escaped:—and here begins that dark share in the bloody business of the De Witts, from which, neither the artifices of rhetoric, nor the idolatry of party, can clear the fame of the prince of Orange. The States wrote a letter to the prince, stating, that four assassins had attempted the life of the grand pensionary, of whom one was in the hands of justice, and the remaining three had taken refuge in his camp, "or in some other place, which his highness well knew." This letter more than insinuates that the fugitive assassins were protected by the prince; and the suspicion of him was confirmed by the fact, that one of them was not only protected but rewarded by him."*

A similar attempt at Dort was made on the same day, at the same hour, by the same number of assassins†, and doubtless by concert, upon the life of Cornelius, elder brother of the pensionary, whilst confined to his bed, by wounds received at the battle of Solebay. This band having been foiled, a single assassin next presented himself, armed with a weapon not less deadly than the poinards of his predecessors,—a capital accusation. A

* "Il parait," says Basnage, "par les expressions fortes dont se servent leurs nobles et grandes puissances, qu'elles croyaient que les trois assassins s'etoient refugiés parmi les troupes qui sont postées auprès de Nieuwerbrugge, ou en d'autres endroits que son altesse sçavait bien; et cette opinion decouvrait assez leurs sentimens secrèts."

"La charge de maître des postes conservée a Borrebagh qui l'a toujours exercée, la survivance qu'on lui accorda pour son fils, l'impunite dont il jouit toute sa vie, firent naitre des soupçons violens contre l'honneur de ceux qui protégoient ce scélérat, et le récompensoient au lieu de lui faire porter la peine que méritoit son crime."—*Hist. des Prov. Un.* ii. 294.

† Basnage, ii. 298.

surgeon, named William Tichelaar, already branded with infamy by the tribunals, accused Cornelius De Witt of having offered him a large bribe to assassinate the prince of Orange—and a patriot soldier, covered with wounds and glory, was put to the cruel and ignominious torture.*

The temporising iniquity of the judges condemned him to banishment. He appealed against the sentence, and was detained meanwhile in the prison of the Hague. His infamous accuser was set at liberty. That miscreant boasted of his release as a proof of the truth of his accusation; and roused the passions of the rabble by crying through the streets, that the judges had spared the life of a traitor and assassin; whilst the preachers compared their sentence to that of Pilate.† An armed and infuriate populace thus prepared gathered round the prison and clamoured for his blood; and those who secretly instigated them, endeavoured by a device to include the two brothers and their father, venerable for his age, his virtues, and his character of a judge, in the same atrocious sacrifice. A person "of consideration‡" came to the prison early on the morning of the 20th of August, and ordered the gaoler to contrive that the father and brother should visit him together. A messenger accordingly brought a message from Cornelius that he desired to see them, and was

* He recited, when enduring the agonies of the rack, the beginning of that ode of Horace in which the man of integrity and resolution is described as unshaken by the frowning menaces of a tyrant, or the blind passions of the people:—

Justum et tenacem propositi virum
Non civium ardor prava jubentium,
Non vultus instantis tyranni,
Mente quatit solidâ.

promesses dont on s'est servi pour me porter à dire un mensonge injurieux à la mémoire de votre mari."—*Basnage*, ibid. 305.

† "On pourrait dire," says Basnage, ii. 306., referring to these ministers of Christ, "si on aimait à faire des pareilles applications, qu'on relacha Barrabas qui était un brigand."

‡ Une personne considerable. — *Basnage*, ii. 311.; and History of the Brothers De Witt.

about to obtain his liberty. The father had already gone to perform his duty as a judge; and the devoted pensionary *, in spite of the tears of his daughter, who warned him of his danger, and implored him to stay, proceeded to the prison. "Ah! my brother, what do you come here for?" said Cornelius.—"Did you not send for me?"—"No."—"Then," said the pensionary, "we are lost."

The multitude now became more impatient, but was kept in check by a guard, whilst the magistrates of the Hague sent a courier to the prince for a military force to protect the lives of the brothers. William did not comply with this order, and the doom of the brothers was sealed. † The multitude assaulted the prison: the door was opened by the frightened or bribed gaoler; and the two brothers were dragged into the street to be massacred and mutilated with circumstances of indignity so barbarous and revolting, that the very imagination of them would make the heart shudder.

It is a relief to turn away from an example, unhappily not rare but seldom equalled in atrocity, of the excesses which may be committed by a ferocious populace inflamed and actuated by a fanatical priesthood ‡, and the satellite intriguers of an ambitious prince.

The news reached the prince of Orange when sitting down to supper at Alphen, some miles from the Hague. The persons composing his court § did not conceal their satisfaction: he rebuked them by the sadness of his looks; and spoke of the pensioner in a tone of barren compassion and respect. He came to the Hague next day, and gave orders, with the imperiousness of the most absolute prince in Europe, that no steps should be taken for bringing the guilty to justice. This

* He had by this time resigned his office to Fagel, a creature of the prince of Orange.

† Basnage, ii. 314.

‡ The disfigured remains were hung on a gallows by the heels. The person who acted the part of hangman, observing the pastor of the Hague, said, "*Monsieur le ministre, sont-ils assez hauts?*" "*Non,*" replied the minister of the Gospel," *pendez ce grand coquin encore un echelon plus haut.*"—*Id* ibid.

§ Ses courtisans. *Id.* ibid. 317.

stretch of authority and impunity may perhaps be excusable; but what can be said for his rewarding the chief assassins? The names of four miscreants, ringleaders in the massacre, are handed down, with the favours which they subsequently received from the prince of Orange. These are, Borrebagh *, one of the four assassins who stabbed De Witt; Banckem †, who caused his share in the massacre to be inscribed on the hilt of his sword; Adam de Mars ‡, one of the most furious actors in the massacre; and Tichelaar §, the surgeon already named, equally noted as a false witness and a massacrer.

In the midst of this chaos of desolation and horror, the Hollanders displayed virtues which take root only in republics. || The holders of the notes of the bank of Amsterdam rushed in for payment in gold, under the impression that the deposits of specie had been

* "Borrebagh, l'un des quatre assassins qui avait voulu tuer M. Jean de Wit sur le Vyverberg, fut le plus heureux. Il profita de l'amnestie, fut retabli dans sa commission des postes et on l'a vu mourir tranquillement dans son lit, après avoir joui longtems du fruit de son attentat."—*Basnage*, ii. 327. &c.

† "M. Van Banckhem, echevin de la Haye, que sa charge engageoit à calmer l'emotion d'un peuple, qui étoit à ses ordres, et qui, au lieu de l'apaiser l'avoit animé, obtint une charge que les nobles de Hollande possèdent présentement."—*Ibid.*

‡ "Adam de Mars, un des plus furieux acteurs du massacre des deux frères, et celui qui engrava l'histoire sur la garde de l'epée de Van Banckhem, obtint une Barque de la Haye à Amsterdam."—*Ibid.*

§ "Tichelaar fut partagé plus honorablement. Il eut la charge de substitut au Baillage de putten, qui lui avoit été promise, et obtint une pension des états, qui lui fut exactement payée pendant la vie du prince d'Orange, mais après la mort de son altesse, on la lui ôta."—*Ibid.*

In dismissing this melancholy topic — melancholy, not alone from the fate of De Witts, but from its bearing on the reputation of William III — it may be right to suggest to the common reader, that Basnage, the chief authority cited, was a French protestant minister, who took refuge in Holland on the revocation of the edict of Nantes; who wrote with no prejudices, as he says (Dedication to the States of Holland), of birth or party; that he composed his "Annals" by appointment of the States of Holland, with access to the archives of the State and the MSS. of private persons; and that his authority, as a historian, is irrefragable. Of his talents, it will suffice to say, that Voltaire pronounced him more fit to be a minister of state than of a parish. He begins his account of the massacre of De Witts with the following declaration: — "Toutes les circonstances d'un evènement si tragique méritent d'être rapportées. Nous allons le faire; et afin d'être plus exacts, nous suivrons pas à pas les pièces originales, qui doivent servir de preuves à la verité des faits que nous raconterons." — ii. 283.

|| "Ces vertus," says Voltaire," qu'on ne voit guères que dans les republiques." He contrasts, with just severity, the good faith and integrity of the magistrates of Amsterdam with the profligate public bankruptcy of Charles II.

touched. The magistrates paid in gold, and opened the cellars in which the treasure was kept, to satisfy the country that it was inviolate. It was observed that the specie bore the marks of a fire which broke out in the building some years before — thus sacredly was it preserved.

An example of patriotic sacrifice still more honourable than their mercantile good faith was given by the people of Amsterdam. They inundated the surrounding country by cutting the embankments, and opening the sluices. The peasant and the villager did not murmur at the sacrifice of their herds and dwellings, when they saw the luxuriant villas of the rich overwhelmed by the waters without reserve. The peril of the Hollanders seems indeed to have been somewhat exaggerated: they had this defence of their canals and sluices in the last extremity, at a fearful cost it is true, but requiring only public virtue; and their maritime power was unimpaired in Europe and Asia.*

Louis meanwhile indulged himself in the vanity of success and the humiliation of the vanquished, whilst Louvois, anxious to enlarge the French monarchy — or envious of Condé and Turenne,—checked the advance of the army in order to secure its conquests. Even the treacherous negotiations of the envoys of Charles were not without their use in retarding the march of the French. The Dutch thus gained time, and recovered the courage of reason and confidence for that of desperation. The French found their passage barred, not only to Amsterdam, but wherever they attempted to advance, by the inundation of the country. The count de Monterey, governor of the Spanish Netherlands, sent the prince of Orange a reinforcement of a few regiments,—in spite of the base endeavours of the ambassadors of Charles to dissuade him. The king of Spain, the emperor, and the elector of Brandenburg,

* Upon the French consul's telling the king of Persia that the Dutch were conquered by Louis XIV., the Persian monarch asked him, with much shrewdness, "how that could be, when there were twenty Dutch vessels for one French in the port of Ormus?"

roused by their own interests and the politic representations of the prince of Orange, showed symptoms of resistance; — and Louis XIV., leaving his army under the command of Turenne and Luxembourg, in the midst of summer and of the campaign, returned to enjoy luxurious pomp and sycophant adulation in his court.

At the same time, the bishop of Munster, an ecclesiastic remarkable in an age which produced such churchmen as Richelieu, Mazarin, and De Retz, failed in the siege of Groninguen, after having attempted to terrify the imaginations of the besieged by fire-works exhibiting fantastic figures of magical demonology.*

The prince of Orange and the Hollanders had time to breathe.

The part of Charles in the war after the battle of Solebay, was confined to the service of 6000 English auxiliaries in Holland, under the command of the duke of Monmouth, and an attempted descent upon Zealand. The expedition passed De Ruyter unobserved, and waited only the return of the tide to make a landing. The pressure of the enemy in another quarter left this island without defence, and the capture of it, which seemed inevitable, was likely to prove no less fatal to the republic, than the taking of Amsterdam. It would seem as if Providence or nature interfered to supply the place of the aid of man. The ebb of the tide, usually six hours, now lasted twelve; and this remarkable phenomenon was followed by a storm of some days, which compelled the combined fleet of English and French to take the open sea, and make for their respective ports to refit.

1673. Parliament, after several prorogations and nearly two

* He was the son of a murderer, born whilst his father was in prison, educated by his uncle, dean of the cathedral of Munster, leading, as a canon, a life of reckless debauchery to his fifteth year, elected bishop by his brother canons during the drunken orgies of an evening, and then, abandoning himself to the love of war, which he waged with the most mercenary and rapacious inhumanity. It was his maxim that "un bon homme de guerre ne devait pas avoir beaucoup plus de compassion que le diable." The Dutch, in reference to his attempts to frighten them by sorcery, said, that being deserted by Simon Peter, he resorted to Simon Magus.

years' disuse, met for the despatch of business on the 4th of February. It is necessary to glance in retrospect to some domestic matters during the last year, to which the proceedings of this parliament give importance. Charles, on the eve of the Dutch war, issued his second and absolute declaration of indulgence, with the ostensible motive of producing concord between his subjects of all creeds, on the eve of war. His real object was, doubtless, to prepare the way for the settlement of the Roman catholic religion by establishment or toleration.

In the first declaration he asserted his dispensing power, but left the indulgence to the consent of parliament. Now he declared his positive will and pleasure to suspend all penal laws in matters ecclesiastical — but confining the religious worship of the catholics to their private houses. This clause was introduced to satisfy the scruples of lord keeper Bridgman*, whose conduct both as a judicial magistrate and minister of the crown, was marked by hesitation and compromise.†

Charles asserted his supreme or dispensing power, not only as "inherent in him," but as "declared and recognised by several acts of parliament." If the church homilies be authority, it was certainly inherent in him by divine right; and it was no less certainly declared in more than one act of parliament, since the restoration. This power would be denied with a bad grace by those who had so recently enacted or applauded absolute non-resistance not only to the king's person, but to his commission. The indulgence, accordingly, gave offence not as a pretension incompatible with free government, but as encouraging by sufferance schism from the church, which it was now the fashion to identify with rebellion against the state. The express connivance at the worship of the catholics, though no more than they

* Life of James, &c. Locke's letter to a person of quality.

† Burnet, who is never more confident and circumstantial than when he is most wrong, says, that Bridgman refused to put the great seal to the declaration of indulgence as against law, and was removed to make way for Shaftesbury: — the fact being, that the change did not take place for several months after. Gazettes of March and November, 1672.

already enjoyed, by authority of the bishops*, not from any respect for conscience, but from accommodating servility to the court, excited anew the hatred and fear of popery. Even the presbyterian non-conformists, whilst they suffered their consciences to be unmanacled, used their liberty with qualms and writhing, because it was coupled with an avowed relaxation of the penal chains by which popish idolatry was held captive. But the press was under the strict control of a licenser; the liberty of speech was forbidden under severe penalties†; and there was no expression of public feeling until the meeting of parliament.

Ashley had recommended himself to the king by his agreeable humour, his compliances, and his share in the declaration of indulgence. He was now made lord chancellor, with the title of earl Shaftesbury. The creditors of the banking houses, whose effects had been seized in the exchequer by the king, took proceedings against them at common law, and Bridgman is said to have been removed, because it was found that he would not grant an injunction to restrain them. Shaftes-

* Locke's letter, &c. on the authority of Shaftesbury.

† "June 14.," says Ralph, citing the Gazette, "a proclamation was issued, in which, after reference to certain ancient statutes against spreaders of false news, and promoters of malicious slanders and calumnies, as likewise to a late statute of the 13th of his majesty's reign, notice is taken, 'That there had been of late more bold and licentious discourses than formerly; and that men had assumed to themselves a liberty, not only in *coffee-houses*, but in other places and meetings, both public and *private*, to censure and defame the proceedings of state, by speaking evil of things they understood not, and endeavouring to create and nourish an universal jealousy and dissatisfaction in the minds of all his majesty's good subjects:'—for which reasons, his majesty, 'by the advice of his council, did, by the said proclamation, forewarn and straitly command all his loving subjects, of what state or condition soever they be, from the *highest* to the *lowest*, that they presume not henceforth, by *writing* or *speaking*, to utter or publish any false news or reports, or to *intermeddle* with the *affairs* of *state* and *government*, or with the *persons* of any of his majesty's *counsellors* or *ministers*, as they will answer the contrary at their *utmost perils*.' Even the *hearers* of such discourses were declared equally punishable with the *speakers*, unless they became *informers*, and had equal vengeance denounced against them: his majesty farther declaring, 'that he would proceed with all manner of severity against all manner of persons, who should use any bold or unlawful speeches of this nature, or be *present* at any *coffee-house*, or other public or *private* meeting where such speeches were used, without revealing the same in due time:' and again, 'that he was resolved to suppress this unlawful and undutiful kind of discourse, by a most strict and exemplary punishment of all such offenders as should be thereafter discovered.'"—*Ralph*, i. 214.

bury granted a conditional injunction, merely to retard process, and employed the forms of the court for delay.

Clifford was made lord treasurer also with a peerage, and was addressed on his taking the oaths of office very significantly by the new chancellor. After expatiating on "the honour of being chosen by a king, who, without flattery, was as great a master in the knowledge of men and things as that or any other age had produced," Shaftesbury proceeds, "And let me further say, it* is not only for your honour that you are chosen by him, but for your safety too, that you have him to serve, with whom no subtle insinuation of any near him, nor the aspiring interest of a favourite, shall ever prevail against those that serve him well." *

Arlington † was advanced from a viscount to an earl, and the order of the Garter was bestowed on him and Buckingham.

The king had promised by proclamation, that the exchequer should be re-opened at the end of December. A promise given in the same breath with the violation of the public faith should have inspired little confidence; and yet a strong feeling of disappointment is said to have been produced, when the resumption of payment was further postponed to the 1st of May ‡, and the parliament was further prorogued from October to February.

Several vacancies in the representation had taken place during the long recess. The inventive genius of Shaftesbury, unfettered by principle or fear, discovered in this an occasion for increasing his strength, and recommending himself to the court. Without waiting for the meeting of parliament and the speaker's warrant, he issued writs for filling up the vacancies out of the

* This was a hint to Clifford himself, whom Shaftesbury suspected of designing to supplant him.

† Arlington, regarding Clifford as his creature, reproached him with ingratitude for intriguing to obtain an office to which his patron aspired, but submitted to a forced reconciliation with him by command of the king. Life of James I.

‡ The amount of claims upon the exchequer amounted, according to some, to 1,264,386*l.*; according to others, to 1,400,000*l.*

crown office, and had them secretly forwarded to candidates of his own choice, who were thus enabled to obtain their election by surprise. "By this," says a historian, who gave his work to the world with honest pride, as that of "a lover of truth and liberty," "Shaftesbury endeavoured to establish a precedent, which by proper management would have put all the elections in the power of the crown, and rendered the house of commons by one master stroke, what they may one day gradually become, — the creatures of a minister, and a court of assistants to the treasury."*

Sir Edward Turner, upon suspicion or proof of having taken a bribe from the East India company, was no longer deemed worthy to be speaker; but personal corruption was no disqualification for the bench of his majesty's court of exchequer, and he was made chief baron. Sir Job Charlton having been elected to the chair, the session was opened by the king. He had raised about 12,000 men for the Dutch war; 6000 served under the duke of Monmouth with the French; whilst the rest was encamped at Blackheath. He now told the commons, that the jealousy of the latter force was weak and frivolous; and that he was determined, in spite of jealousies no less weak and frivolous about religion, to stick to his declaration of indulgence. "I shall," said he, "take it very ill to receive contradiction in what I have done, and I will deal plainly with you: I will stick to my declaration."

Shaftesbury signalised his first parliamentary appearance as chancellor, in the highest strain of court flattery and absolute prerogative. His defence of the most unpopular measures of the court was uncompromising but dexterous. He justified the shutting of the exchequer, as a measure forced upon the king

* This is not so much a philosophical speculation, in the abstract, as a satirical allusion to the flagrant corruption of the house of commons, during the Whig administration of the first and second princes of the house of Hanover. The house of commons has taken the opposite and more natural direction, with the growth of popular reason and control, and is little likely to rest at the disputed boundary of the present æra (1837) in the progress of political reform.

by the Dutch war; but declared that it concerned the king's honour and interest to see the public creditor paid, and assumed, rather than proved, that this depended upon the house of commons. "The war," said he, "is your war; the states of Holland are England's eternal enemy, both by interest and inclination. *Delenda est Carthago.*" * This dexterous appeal to national rivalry and resentment, the truth to a certain extent of Dutch enmity to England, the associations of Roman virtue and patriotism called up by the use of a pregnant and popular classic phrase, all tended to veil the hollowness of his sophisms, and the atrocity of his sentiments. In his defence of the indulgence to religious recusants, protestants and catholics, there is no good ground to question his sincerity. With his superior reason, his range of philosophical capacity and observation, he must have despised bigotry, and been the friend of toleration. It is true that his wayward character and reckless ambition afterwards made him a flagitious persecutor; the more flagitious, that he was so far removed from the weakness and fanaticism of others, who were engaged with him in that bloodhound chace, the popish plot. But now his ambition and interest coincided with his professions.†

Shaftesbury's "trick ‡," met with a signal defeat. The new speaker had hardly taken the chair, when a member rose and said, that he observed several new faces in the house, though he knew nothing of vacancies declared by the speaker's warrant. The intrusive

* The defence made for him in the recently published "Life, &c," is that he was but the mouthpiece of the council — a very weak one.

† "And yet he confessed to me, (says Locke, Life of Shaftesbury, i. 432.) that it was his opinion and always had been, that the papists ought to have no other pressure laid upon them, but to be made incapable of office, court, or arms, and to pay so much as might bring them at least to a balance with the protestants, for those chargeable offices they were liable unto. And he concluded with this, that he desired me seriously to weigh whether liberty and property were likely to be maintained long in a country like ours, where trade is so absolutely necessary to the very being as well as prosperity of it, and, in this age of the world, *if articles of faith and matters of religion should become the only accessible ways to our civil rights?*" The writers of the "Life, &c." make a most profligate and paltry defence for his favouring the indulgence to papists — that his secret policy was to bring hatred upon popery, by alarming the nation.

‡ So named at the time.

members, upon a suggestion thrown out, that their presence pending the consideration of their own right was indelicate, "filed off*;" and, after a warm debate, it was voted that they were not duly elected. The leader of the opposition was colonel Strangeways, a cavalier of great authority for his character and wealth. Shaftesbury had precedents, admitted by a writer far from friendly to him †, "enough to serve the turn *in causa favorabili.*" But the parliament was actuated only by prejudice, passion, or corruption.

A curious illustration of the want not only of personal integrity, but of party faith, was given on the question of supply which immediately followed. The court desired 1,200,000*l.* to prosecute the war, whilst the opposition privately settled that 600,000*l.* only should be granted. The smaller supply would, it was expected, compel Charles to make peace. An opposition of eighty members ‡ was organised and prepared, to limit the grant to this amount, when, to the surprise of all parties, the larger sum demanded by the court was moved and seconded by two opposition leaders, Garraway and Lee. Both are said to have been well rewarded by the court §, the share of Lee being 6000*l.*|| These corrupt demagogues still continued the mask of independence to the people. A vote of supply was but a preliminary step, and the court had still unexpected opposition to encounter.

On the very next day after the supply was voted the house of commons took into its consideration that part of the king's speech which related to the declaration of indulgence. Several members spoke; but it would appear that the expediency, not the right, of this exercise of the king's dispensing power, was called in question — with the exception of an observation of Garraway. He suggested that law and prerogative should

* North's Examen, 55—6. † North, ibid.
‡ If Burnet may be relied on. § Burnet, ii. 13.
|| Id. ibid. 85. Note of Lord Dartmouth. "He (sir Thomas Lee) agreed to second the motion for 1,200,000*l.*, for 6000*l.* which one of the clerks of the treasury was to bring in a hackney coach to Fleet ditch, where Lee was to meet him in another, and on a sign given, they were to change coaches, which was executed accordingly. The coachman told."

be kept from clashing with due modesty on the part of the house. *

On the 10th, the subject was again opened with formal solemnity. Lord Cavendish moved, that the votes of 1662 and 1663 against toleration be read. The reading of these tyrannical interdicts against the liberty of conscience, was followed by a pause of silence. "We are," said sir Thomas Meres, "in this affair like the waters — the deeper, the silenter..... I have conferred with books and learned persons in the laws, and I find that a general suspension of the penal statutes is against law." The great question was thus launched, and the debate was warm and prolonged. Waller, now near his seventieth year, adorned the debate by his wit, eloquence, and religious liberality. He contended for indulgence not only to protestant but catholic recusants, and rebuked the bishops by citing the example of their predecessors in earlier times, "who were not as some are now, but humble and godly men." He defended, as might be expected from him, the dispensing power. Powle said the declaration would suspend at once forty acts of parliament, and was in fact "only a paper order, under no seal."† The attorney-general, Finch, argued that the king had then, by the statute of Henry VIII., the same power in ecclesiastical affairs which the pope had formerly, and that he exercised it when he gave leave to hold livings *in commendam*. Sergeant Maynard, the satellite of so many governments and parties, and patriarch of the revolution of 1688, made a quibbling distinction between suspending so as to dispense, which he allowed, and suspending so as to repeal, which he denied. Sir Thomas Osborne, afterwards lord Danby, already an aspirant for the power of Shaftesbury and the

* Parl. Hist. iv. 517, 518. The record of the debate is so scanty, that no decisive inference can be drawn from it.

† From this it would appear that the great seal was not affixed to it by either Bridgman or Shaftesbury. — Colonel Strangeways said, in the course of the debate, that "he thought it worth inquiry whether the late lord keeper did not refuse the seal."

office of Clifford, shifted the odium of the declaration from the king upon his advisers. Vaughan, one of the most distinguished speakers at this period in parliament*, argued that the king might pardon, but could not license, murder, treason, or — non-conformity. This revolting association of the most sacred of social rights with the most heinous social offences, illustrates the spirit of religious party and of the age.

Another remark, no less illustrative, must suggest itself to every informed reader of the debate.† The supreme or sovereign power, in virtue of which the king claimed to dispense with penal laws, was expressly condemned as contrary to Magna Charta and other statutes in the petition of rights. A saving clause of the king's "sovereign power," introduced by the lords at the suggestion of the court‡, was scouted by the commons of 1628. "Magna Charta," said sir Edward Coke in his regenerate old age, "is such a fellow that he will have no sovereign."§ But the petition of rights was never mentioned by the opposition leaders in this debate. Thus began the Whig maxim of trimming ambition between the people and the court; — to repudiate expressly, or by defamatory silence, the fearless virtue and great achievements of the men who opposed the tyranny of Charles I. The debate ended in a resolution of the house, carried by 160 to 116, "that penal statutes in matters ecclesiastical cannot be suspended but by acts of parliament, and that an address and petition for satisfaction should be presented to the king." This resolution placed the dominion of the church beyond the reach of the king's dispensing power, without care or mention of the temporal liberties of the people.

An address was accordingly presented to the king, and after some delay answered by him. He re-asserted his prerogative as one enjoyed by his predecessors, declared that his sole object was to relieve protestant dissenters, and said, that he was ready to do so in a parliamentary way. The commons rejoined, that he was

* Pepys's Diary.
† Of Charles I.
‡ See Parl. Hist. iv. 517, &c.
§ See v. 5. p. 87. &c.

misled by his advisers, and requested a more satisfactory answer.

The attitude of the court and the house of commons, was now such, that one party must yield, with a serious loss of political and moral force. The newly chosen speaker resigned from illness, or, as it was expressed, sickness of his post; and Mr. (afterwards sir Edward) Seymour was elected to succeed him. Charles wavered under the influence of lord Arlington, who still cherished his resentment against Clifford. Shaftesbury, Lauderdale, Buckingham, and Clifford, urged him to stick to his declaration, as he had pledged himself from the throne at the opening of the session.* They were joined by the duke of York, who hated them; but he silenced his antipathy, when he saw them upholding the prerogative in council, and ready to establish it by force.†

Buckingham, as president of the north, had a military force at his disposal; Lauderdale had the militia of Scotland ready armed to pass the border; and James himself was lord high admiral. Charles, thus inspired with factitious resolution, appealed to the lords against the commons, and was supported with their vote that he had given a sufficient answer. Clifford maintained the declaration ‡ and the prerogative with uncompromising, if not imprudent, vehemence; whilst Shaftesbury, more cool-headed and sagacious, in a tone of temporising moderation, affected doubts, and expressed deference to the authority of the house of commons.

* Extracts from the MSS. of lord keeper Guilford, and letters of Colbert de Croissy in Dalrymple's Appendix, 89, 90. (Burnet's account is so loose, and in some points proved to be so incorrect, that no confidence can be placed in it.) And Father Orleans, from the information of James II., whose "Life," &c. supersedes the French writer. See Life of James I. 488, 489.

† Shaftesbury declared to Locke, that "A government could not be supported without a standing supreme executive enabled to mitigate or suspend execution of penal laws in intervals of legislative power." (Letter, &c.)

‡ Echard states, on the authority of a manuscript memoir of sir Joseph Tyley, "that this speech of Clifford was made in support of a financial scheme which should render the king independent of parliament. But this is incredible. The commons, with all their vices, were too jealous of their exclusive privilege of holding the public purse strings. He is followed by M. Masure (Hist. de la Rév.), whose book is full of mistakes in all that does not relate to France.

It seems doubtful whether he consulted the interest of the court, by neutralising the violence of Clifford, or manœuvred by way of prelude to changing sides. He is said to have been apprehensive of being offered up for impeachment. * With his sagacity, he perhaps already anticipated that the resolution of Charles would not hold. The king's irresolution and indolence, and the urgent advice of the French ambassador, who saw that a quarrel between the king and his parliament would oblige him to abandon the Dutch war, and offered, in his master's name, an extraordinary succour in money, and troops to enslave his subjects at a more convenient opportunity, brought Charles at last to cancel the declaration in council with his own hands.

He assured the parliament, through the chancellor in the house of lords, and secretary Coventry in the house of commons, that his declaration, cancelled by him in the presence of the lords of the council, "should never be drawn into example or consequence." †

Among the motives of Charles for thus yielding to the house, was his eagerness to touch the supplies, which had yet advanced no farther than the vote of a committee. ‡

The cabal and the duke of York had endeavoured to sustain the king's resolution against the commons, by placing before him his means of subduing by force the refractory spirits in the house, and the example of his father, to whom, as they said, concession proved ruin. They were in some degree borne out by the result.

The cancelling of the declaration of indulgence was immediately followed by a bill to check the growth of popery, which passed into a law under the name of the Test Act. This act, so long regarded as the bulwark of the church, is ascribed to Arlington, a concealed papist, but eager to revenge himself upon Clifford; and to Shaftesbury, who had already commenced his designs

* Ralph, i. 223. The accounts are so various and conflicting, that it would require some pages of disquisition to arrive at a conclusion. It will suffice here to state main and admitted facts.

† Parl. Hist. iv. 561.

‡ Ralph, i. 227, 228.

against the duke of York.* It provided that all persons refusing the oaths of allegiance and supremacy, the sacrament according to the rites of the church of England, and the declaration against transubstantiation, should be disqualified for all offices, civil and military. Some members objected to the oath against transubstantiation, as involving a difficult point of dogmatical theology. "I would not," said sir John Berkenhead, "have a scholastical oath; these are distinctions of *realiter et vere et corporaliter*. We say God is there, and the difference is *de modo*. People should not be put to swear they know not what." These observations, so pregnant with reason and truth, were lost upon this church-ridden parliament.

The protestant non-conformists, or the majority, which was presbyterian, submitted to an act which struck at their right in common with the catholics: but religious bigotry will account for any phenomenon in human conduct, however infatuated and absurd. The presbyterians not only accepted chains because they shared them with papist idolaters, but were egregiously duped by the high church. A bill for the relief of protestant dissenters, was pending at this time; but whilst the test bill advanced rapidly, the former, creeping as slowly, received some amendments from the lords, and was flung under the table of the house of commons on the eve of the Easter recess.† High church historians of this period are profuse of compliment to the presbyterians on the disinterested hatred of popery with which they submitted to the passing of the Test Act. It is obvious that they were duped at once by their own bigotry and the perfidy of their oppressors.

The Anglican church was now invested with a dominant power unattempted even by Clarendon. The hierarchy could indulge in the contemplation of dissident conscience, protestant and papist, either bowing itself to the yoke or enduring penalties and persecution: the

* Life of James.
† Journals of lords and commons, March 17, &c. Parl. Hist. iv. 571, &c.

laity had the profitable monopoly of office, civil and military.

The ill-assorted confederates of the cabal obtained those personal objects which they sought, in opposition to their general sentiments and views. Clifford, preferring honourably his conscience to the power and emolument of the treasurer's staff, resigned it, and James gave up his office of lord high admiral. The duke was earnestly solicited by his brother to continue outwardly a protestant, but refused. His reasons, as they are stated by him, merit respect. He urged, first, his paramount obligation to his conscience and to God; next, the moral certainty that, instead of conciliating the nation as a protestant, he would be looked upon as a concealed papist, having a papal dispensation for outward conformity. He preferred, as the lesser evil, unpopularity to contempt.

The antipathy to his religion was further irritated by his marriage with Mary d'Este, daughter of the duchess regent of Modena. The negotiation was conducted secretly almost to its conclusion. Upon its becoming public, the phantom of popery overthrowing protestantism scared men's imaginations, in the form of a popish princess only sixteen years old; and the parliament, on its re-assembling in October, addressed the king against the duke's marriage with the princess of Modena or any other not protestant.* The marriage was already solemnised by proxy; the princess arrived at Paris on her way to England; and the king, in answer, said that a contract which had proceeded so far, could not be broken without violence to the obligations of religion and honour, and that no objection had been made to a negotiation for the duke's marriage with the catholic princess of Inspruck, though the parliament was then sitting.

* The duke endeavoured to escape the address by a manœuvre, but was outmanœuvred by Shaftesbury. He induced the king to prorogue parliament for a week by commission, and proceeded to the house of lords, in order to hasten the attendance of the commons before they could enter upon business. Shaftesbury, the chancellor, told him "there was no haste," proceeded to the introduction of some peers, and gave the commons time to vote their address.

This did not satisfy the commons; they repeated their remonstrance, postponed the supply, and were preparing an address of grievance with a heat and violence which recalled the proceedings of the long parliament*, when the usher knocked at the door and summoned them to the king's presence in the house of lords. They of course obeyed, and the parliament was immediately prorogued from the 10th of November to the 7th of the following January.

This short and stirring session produced measures as curious in their origin as important and permanent in their results. The last act which inflicted penal disqualification on non-conformists, protestant and catholic, originated with Arlington, a concealed papist, and Shaftesbury, whose unfettered reason spurned dogmatic bigotry and religious persecution. Both were actuated by personal passion against their general sentiments and views. Arlington sought to remove Clifford, and supply his place. He succeeded in the one, but was disappointed in the other. Sir Thomas Osborne was appointed lord treasurer, with the title of earl of Danby. It is said that he was recommended by his predecessor Clifford, and the duke of York.† Shaftesbury's object was to wound the duke of York, and he succeeded. James, it has been observed, resigned all his offices; but in return he was mainly instrumental in depriving his enemy of the seals. It was announced in the Gazette soon after the prorogation, that the king was pleased to take the great seal from lord Shaftesbury, and place it in the hands of sir Heneage Finch, lord keeper. ‡

* The speaker and black-rod met at the door,—upon which the door was closed upon the former, and against the latter, with cries of "chair," "chair;" and "black rod is at the door." The speaker was hurried into the chair, but was so terrified by the loud knocking of the usher, that he leaped out of it, and the house rose in confusion.

† Life of James I. 484.

‡ A curious and very characteristic story is told on this occasion, of Charles and Shaftesbury. The latter was summoned to court on a Sunday; upon finding himself alone with the king, he anticipated Charles by saying he knew what he was sent for. "Sir," said he, "I know you intend to give the seals to the attorney-general, but I am sure your majesty never designed to dismiss me with contempt." "Codsfish, my lord," said the monarch, "I will not do it with any circumstance that may look like an affront." "Then, sir," said Shaftesbury, "let me carry the seals before

From this session may be dated James's rankling, vindictive, and tyrannic hatred of parliaments, and those secret intrigues between the prince of Orange and the English Whigs which ultimately produced the revolution of 1688.*

your majesty to chapel, and send for them afterwards to my house." Charles complied; and these two accomplished dissemblers remained together amusing themselves with the news of the day, diverting stories, and the agonies of the successor and his party, who were waiting to enjoy their own triumph, and the mortification of Shaftesbury going away without the purse. When they saw Shaftesbury carry the seals before the king to chapel, they gave themselves up for lost, and sent immediately to the duke of York. After this scene was gone through, Shaftesbury delivered the great seal to his successor.

* It is stated by Burnet and Kennett (sub ann. 1673), that a secret correspondence was opened between the opposition party in the house of commons and the States-General, with whom, be it remembered, England was at war. They are confirmed by sir W. Temple, who says, that the opposition, and Shaftesbury himself, then chancellor, "trinkled, at least with Holland, about raising seditions, and perhaps insurrection, in England," in order to put an end to the war. Temple, who, during his second embassy, received an instruction, which would be less injurious to his character if he had not complied with it, to worm the secret of this intrigue from the prince of Orange, further states, that the prince declined mentioning names, as dishonourable, but confessed, that "during the war, neither the States, nor he in particular, were without applications made to them from several persons, and considerable in England, who would fain have engaged him to head the discontent there."

CHAP. V

1674—1676.

OPENING OF PARLIAMENT. — ADMINISTRATION OF LORD DANBY. FATE OF THE CABAL. — CHARGES AGAINST LAUDERDALE, BUCKINGHAM, AND ARLINGTON. — CORRUPTION OF THE COMMONS. — HABEAS CORPUS. — WAR IN HOLLAND. — THE PRINCE OF ORANGE. — NAVAL ENGAGEMENTS. — CONGRESS OF COLOGNE. PEACE WITH HOLLAND. — PERFIDIOUS MEDIATION OF CHARLES. — CHARACTER OF WILLIAM. — FRENCH MONEY-TREATY. — SHAFTESBURY LEADS THE OPPOSITION. — RISE OF LORD DANBY. — ADDRESSES. — CHARGES AGAINST LAUDERDALE, AND AGAINST DANBY. — CORRUPTION OF THE COMMONS AND SUCCESS OF THE COURT. — THE NON-RESISTING TEST. — CASE OF PRIVILEGE. — SIR JOHN FAGG. — PROROGATION AND MEETING OF PARLIAMENT. — EXPENDITURE AND SUPPLY. — THE CONVERT LUZANCY. — RENEWED DISPUTE OF PRIVILEGE. — UNEXPECTED AND LONG PROROGATION.

THE twelfth session of this notorious, not memorable, parliament was opened on the 7th of January, after a recess of two months and three days. The cabal was now broken up, and the first administration of lord Danby begun. Charles addressed both houses with his usual art, and more than his usual falsehood. He took credit for his precautions* against the growth of popery on the arrival of Mary d'Este, duchess of York; urged the necessity of a liberal supply to place him in a position not to continue the war, but to obtain an honourable peace; and, in reference to suspicions which had been spread abroad respecting his alliance with France, expressed his readiness to lay all the articles, even the most secret, before a small committee of both houses. "I know," said this faithless prince and accomplished 1674.

* Catholics had already been forbidden, by proclamation, to enter the palace, and popish recusants to walk in St. James's Park. — *Ken. Reg.* 296. *Life of James I.* 487. 499.

dissembler, "you have heard much of my alliance with France, and I believe it hath been very strangely misrepresented to you as if there were certain secret articles of dangerous consequence; but I will make no difficulty of letting the treaties and all the articles of them, without the least reserve, to be seen by a small committee of both houses, who may report the true scope of them; and I assure you there is no other treaty with France, either before or since, not already printed, which shall not be made known." What an adept in perfidy he who could mask with so much ease his consciousness of the secret money compact negotiated by the duchess of Orleans!

The commons, in reply, voted the hollow ceremonial of thanks to Charles for his care of the protestant religion and his precautions against popery, with the efficacy or good faith of which they were little satisfied. Both houses joined in two addresses to the king; from which it appeared that they regarded the nation at the moment in such fearful peril from popery as to need every resource, divine and human, to protect it. The one address solicited the king to proclaim a general fast — to seek by fasting and prayer a reconciliation with Almighty God, and his protection against the undermining contrivances of popish recusants, whose numbers and insolencies were greatly increased of late, and whose restless practices threatened the subversion of the church and state; "all which," continues the address, "our sins have justly deserved."* The other requested his majesty to order the militia of London and Middlesex to be ready, at an hour's notice, to take the field against popish insurrection.

It has never appeared that the catholics had afforded the slightest ground for these charges, or given any particular cause of alarm or offence; but Shaftesbury had passed directly over from the court to the opposition, which received him with open arms; and that singular compound of court satellite and tribune of the

* Parl. Hist. iv. 618.

people, whose ambition was alike unfettered by fear, conscience, or humanity, had already begun to play the detestable game, the catastrophe of which was the popish plot.

Charles complied specifically with the one address, and gave a general or vague promise of compliance with the other.

Of the five persons who constituted "the cabal," two were beyond the reach of attack,—Clifford, who died soon after his retirement, and Shaftesbury, now a patriot. Lauderdale, Buckingham, and Arlington remained; and though they were protected by an act of grace of the preceding session, the commons threatened to fall upon them without mercy. The first object of attack was Lauderdale. He was charged with having declared at the council board, that "the king's edicts in council were equivalent to laws, and to be maintained in the first place;" and with having raised an army in Scotland, to be marched into England, for the purpose of destroying the laws and liberties of the nation. The former charge was proved by several witnesses; and the substantial truth of the latter has already appeared.

The house of commons resolved unanimously, that an address should be presented to the king for the removal of the duke of Lauderdale, as a dangerous person, from all his employments, and from the king's presence and councils for ever.

Buckingham, aware that he should be the next object, tried to anticipate and avert attack, by a letter to the speaker. In this letter of a few lines, he desired leave of the house "to inform them in person of some truths relating to the public."* Leave was given, after some slight opposition. At the same time several members threw out charges against him, for his share in the French alliance and the Dutch war, and his living in adultery with the countess of Shrewsbury, after having killed, or, as it was expressed, murdered her husband in a duel. Buckingham, upon appearing before the house of com-

* Parl. Hist. iv. 638.

mons, lost all self-possession, expressed himself incoherently, and retired under the pretence of indisposition. He again appeared next day, and made a confused and rambling defence, mainly consisting in an endeavour to shift from himself to Clifford and Arlington the odium of the measures of which he was accused.* It was also understood, that he threw out an insinuation against Charles and James, as the chief authors of the obnoxious measures. "Hunting," said he, "is good sport with a pack of hounds, but not with a pair of lobsters."†

Charles was displeased with his attempted defence; the duchess of Portsmouth turned once more against him; and Danby, said to have been chiefly indebted to him for the treasurer's staff, quietly looked on.‡ But his abject submission had somewhat disarmed the commons; and an address was voted for his removal from the king's presence and councils, as well as from all his offices held during pleasure. This limitation left him at liberty to hold or dispose of such offices as he held by patent. The house may have been influenced by a circumstance upon which he laid great stress in his defence, that, instead of gaining, he had spent a large fortune in the public service. "I have," said he, "lost as much estate as others have got, and that is a big word."

Arlington was proceeded against with more violence. Besides the charges against Lauderdale and Buckingham, he was further accused of popery, embezzlement, and traitorously betraying the king's counsels to the French ambassador. He defended himself before the commons with unexpected talent and spirit; his accusers were obliged to abandon several charges which they were un-

* He appears to have made no allusion to the charge respecting lady Shrewsbury.

† The Parliamentary History says (vol. iv. p. 635.), after Archibald Grey, "a *pack* of lobsters;" Burnet says "a *pair*," &c., but adds, that Buckingham, in private conversation, applied the same phrase to prince Rupert and lord Arlington. It was possibly an abortive attempt of Buckingham to express himself in his usual vein, at a moment when he was in such disorder that it may not only be doubted what his meaning was, but whether he had any meaning at all.

‡ Reresby's Memoirs.

able to prove; and the accusation against him was suffered to die away.*

Even the votes for the removal of Lauderdale and Buckingham proved abortive. Charles, in reply to the two addresses of the house of commons, said, that "he would consider of them."

This was an unworthy termination of proceedings begun by the commons with so much pomp and menace. It may be accounted for partly by the subdivision of the house into factions, under their respective leaders, actuated by separate and selfish interests, and by the fact that it was the system of the court, invented it is said by Clarendon, to make its hirelings wear the mask of opposition the better to serve its purposes. But there is a more general cause, the operation of which will account for such anomalies,—the prevailing want of private or political virtue in this parliament.

Another court maxim, said to have originated at this period, was, "that no minister should be punished on parliamentary application†;" and this maxim, according to an English historian, distinguished for acuteness and veracity, was inviolably observed down to the period at which he wrote, near the middle of the last century.‡

There was, however, one proceeding of parliament which should be recorded with honour. The commons appointed a committee to examine the laws touching the committal of persons singly by the king's warrant, or by warrant issued from the council table; and the result was that a bill containing the provisions of the habeas corpus act, that great safeguard of personal liberty in England, was passed through its several stages, and sent up to the house of lords, by whom it was either thrown aside or negatived. This great practical right once launched upon the public mind, could not fail to be

* Parl. Hist. iv. 643. The lords, as well as the king, took offence at Buckingham's and Arlington's appearance before the house of commons, and made a standing order that henceforth no peer should answer any charge in the house of commons in person, by writing, or by counsel, under the penalty of being committed to the black-rod or the Tower during the pleasure of the house.

† Marvel, cited in Ralph, i. 253. ‡ Ralph, ibid.

established;—but so slow are the English people to admit any change in the laws, however beneficent, or such was the extent at the time of court power and political corruption, that some years elapsed before the bill passed into a law.

Pending this session, negotiations were effectively conducted between Charles and the States-general for bringing to a close the unpopular war with the Dutch. On the 24th of February he prorogued the parliament, having previously announced to both houses, that in pursuance of their advice he had made a speedy, honourable, and, he hoped, lasting peace. It is here necessary to glance in retrospect over the chief incidents of the war, since the deliverance of Holland.

The United Provinces, it has been stated, were rescued from the overwhelming force of Louis XIV., under circumstances no less marvellous and better authenticated than the deliverance of Greece from Xerxes; first, by the devoted patriotism with which the Dutch laid the country round Amsterdam, Leyden, and Delft under water, at a complete sacrifice of all property within that range; next, to the inflexibly resolute stamp of character with which nature appears to have endowed the prince of Orange. The court of Spain, the imperial court, and some of the chief princes of the empire, which with their jealousy and fear of the king of France yet merely looked on, were now acted upon by policy, or a sense of shame, and came to the relief of the States and the prince. The count de Monterey, Spanish governor of the Netherlands, assisted the prince of Orange with several regiments in pursuance of secret, not avowed, orders from the court of Madrid; the elector of Brandenburgh, who had on foot an army 25,000 strong, moved upon the Dutch frontier; and the emperor Leopold sent the famous Montecuculi to the prince's aid at the head of 25,000 men.

Holland was still menaced by three French armies, under the command of Condé, Turenne, and Luxembourg, — no one of which the prince of Orange had

ficient force to encounter. The prince yet resolved [illegible]t upon the offensive. His first expedition against Naerden, whence the enemy menaced Amsterdam, was defeated by accidents of wind and tide, and by the activity of Luxembourg.* He next attempted to carry Woerden, and again failed. These inauspicious checks did not relax his activity or damp his ardour. They rather brought out the lustre of his courage, and the force of his soul. He resolved to march upon Charleroy; masked his movements with so much skill as to disguise his object from Luxembourg; took the castle of Walkembourgh, and put to flight the duke de Duras in his way; invested Charleroy; and was obliged to raise the siege, by the advance of the winter frosts, which arrested the progress of the works of the besiegers, and the failure of the Spaniards to supply in time their promised aid.†

The frost, thus unpropitious to the Dutch in one quarter, was near proving the ruin of Holland in another. The inundations were soon frozen over; and Luxembourg, by an inspiration equally bold and novel in the art of war, marched from Utrecht in the night upon the ice, at the head of 12,000 infantry, upon the defenceless towns of Leyden and the Hague. A sudden thaw rescued those places and the republic itself from as imminent peril as that of the preceding year.

The situation of Luxembourg was now desperate in his turn. His only retreat was by a narrow causeway ankle-deep in mud. He could not reach even this passage without making himself master of a fort which was impregnable without artillery, whilst he had not a single gun — or twelve hours' provisions. The commandant, bribed or panic-struck, abandoned his post; and the French, who must have perished to a man of fatigue and famine within twenty-four hours, effected their retreat.

Luxembourg avenged his mortification by an act

* Basnage, ii. 340.

† The slowness of the Spaniards became proverbial, even in their own language: — "Que es tardo como el soccorro de España. This is as long coming as succour from Spain."

which should have rendered his name infamous, and which completed the hatred and horror of the very name of Frenchmen now prevalent in Holland. To reward his soldiers for their danger and sufferings, he abandoned to them for indiscriminate pillage the two populous and rich towns of Bodegrave and Swammerdam. They set both places on fire, abandoned themselves to every excess of the most brutal cruelty and licentiousness, and left behind them an impression of their inhumanity which was still fresh in the memory of the people after forty years.*

The fortune of war inclined at last to reward the valour, fortitude, and activity of the prince of Orange. He defeated by his foresight an attempt of the prince of Condé upon Amsterdam by Muiden; again invested and took Naerden after twelve days' siege; placed himself in a situation to co-operate with the imperial general Montecuculi in spite of the genius and experience of the famous Turenne; and took the strong place of Bonn in the face of the French marshal D'Humières, who attempted in vain to bar his way into it by stratagem or force.

The war was continued at sea without the interest of stirring vicissitudes or decisive results. Three engagements took place in the summer of 1673, between the combined English and French fleets on the one side, and the Dutch on the other. The English fleet was commanded by prince Rupert; the French by the count d'Estrées; the Dutch by the patriot warrior De Ruyter; having respectively for their vice-admirals sir Edward Spragge, Martel, and Tromp. On each occasion the victory was claimed by both sides; but on the Continent the palm was adjudged to the Dutch, and the name of De Ruyter covered with new glory. It is certain that the English admiral found it necessary to

abandon his purpose of making a descent upon the Dutch territory.

Spragge was drowned in the last action, after having, it was said, compromised the safety of the fleet by the impetuosity with which he sought to bring his ship into close fight with that of Tromp. His rashness, if justly imputed, was redeemed by his heroic valour and death. The earl of Ossory distinguished himself, as usual, by the generous gallantry with which he threw himself into the thickest fire, where he saw any portion of the English fleet in imminent danger or engaged at disadvantage.

The French fleet was again reproached in England with having hung back in this action; but the imputation, however probable on the face of it, is unsupported by fact. They were supposed to have instruction to this effect, dictated by two motives — the anxiety of Louis XIV. to spare his growing but still infant navy; and his fear that the English, having made the conquest of the island of Zealand, would retain it permanently. It would appear, indeed, that the chief object of the French commanders was to take lessons from the English in the art of naval war. *

The mind naturally reverts from these indecisive actions to the signal victories and undisputed glory of the naval commanders of the English commonwealth. Such was the blighting influence of a corrupt court and despicable reign.

Meanwhile a congress was sitting at Cologne, under the mediation of Sweden, for a general peace. Sir Joseph Williamson and sir Leoline Jenkins proceeded thither as the diplomatic representatives of England. The interests under discussion were various and conflicting: the chief parties were indisposed to an agreement. The States-general, now closely leagued with the courts of Madrid and Vienna, rose exorbitantly in their demands. It was the great ambition of the

* "Les officiers," says Voltaire, "avaient appris les manœuvres savantes des Anglais, avec lesquels ils avaient combattu celles des Hollandais."

prince of Orange to be at the head of an army; and he possibly cherished thus early the project of leading armed Europe against Louis XIV. That king had taken Maestricht; made the conquest of Franche Comté for the second time; looked confidently to his success in winning foreign courts, especially those of the German princes, to his interest, by means of profuse corruption and diplomatic intrigue; and had no object but to gain time. The envoys of his stipendiary, Charles, were instructed to act in perfect concert with the French plenipotentiaries.* The conferences accordingly were at once protracted and hopeless. The court of Spain, however, with unwonted decision, insisted with the Dutch upon their offering such terms of peace to England as Charles, in the actual temper of the English nation, could not safely refuse. An overture by way of mediation having been made by the marquis del Fresno, Spanish ambassador in London, the States, receding from the terms demanded by them at the congress of Cologne, made offers of peace based upon the treaty of Breda. They were received by parliament with earnest approbation. The court saw that it could not reject them without becoming odious to the parliament and the people.† Sir William Temple was appointed to negotiate with Del Fresno, who was furnished with full powers by the States. Both parties were resolved upon peace, and in three conferences the business was concluded. The main point, as it became part of the public law of Europe, was that the Dutch conceded the disputed honours of the British flag in the narrow seas. The States further stipulated to pay Charles the sum of 800,000 crowns to indemnify him for the expenses of the war. In a few days after the prorogation of parliament, peace was proclaimed, to the great joy of the people.

The king of France had for some time regarded the conduct of Charles with suspicion, and signified his

* Instructions, cited in Ralph, i. 233.
† Sir W. Temple's Works, ii. 249, 250.

displeasure by refusing the request of his dependant for an extraordinary supply.* Upon the commencement of the negotiations between England and Holland he took a different course, and sent over Ruvigny to divert Charles from making peace, by offering to pay him his pension in advance. But Charles had by this time committed himself beyond retreat by his declaration to parliament; and this unworthy sovereign—whose restoration had been hailed with such loyal ecstacies—who was still worshipped in his vices, through the corrupting sophistry and sycophant incense of the court hierarchy, lay and spiritual, and the besotted delusion of the mass—made abject excuses to the French envoy for giving peace to the wishes of his subjects, in preference to earning the wages of infamy from a foreign prince. †

Louis was, or affected to be, satisfied with his explanations; the congress of Cologne broke up; Spain and the empire were now in open league with Holland against France; and by way of reparation to Louis for having abandoned him, Charles offered to become his instrument in the character of mediator for a general peace.

The French king, as a matter of course, readily accepted the proffered service of his pensioner; but the prince of Orange received the overture very differently. It was made to him by Williamson and Jenkins on their return from Cologne. In the first audience he told them that he put no faith in the king of France, "of whose papers the States-general had already a great deal to no purpose;" in the second, he launched to them the great political maxim, which was afterwards his guiding light in war and policy to his last hour,—that it was the common interest of England and Holland to set bounds to the ambition of France, and that the king would best consult his desire of peace by engaging

* French despatches referred to, not cited, in Dal. App. 96.

† Charles, if bishop Burnet may be credited, had no sooner signed the treaty, than he took Ruvigny aside, and told him "he had been doing a thing that went more against his heart than losing his right hand."

frankly with the confederate powers in the war against Louis XIV.*

It is seldom that a statesman or warrior, whatever his genius, has fixed the grand object of his future actions and career in the season of inexperienced youth. With the prince of Orange it must have been the result of instinctive sagacity and steady purpose, at the early age of twenty-three.

Sir Leoline Jenkins, on his return from Cologne, was examined by the council as to the state of affairs abroad, and the policy which it would be the king's interest to pursue. He advised that the weight of England should be thrown into the scale of the confederacy against France. Charles, bound as he was to the car of Louis XIV., rejected this counsel; persisted in assuming the character of mediator; and appointed sir William Temple to proceed once more as envoy to Holland. Temple, before he accepted the mission, attempted to sound the intentions of the king, and spoke to him of the past, as he states, with freedom.† He said that Gourville, whom the king knew and esteemed, and who understood England well, declared to him at Brussels, during the first Dutch war, that when the parliament grew weary of war, nothing remained for the king but to make peace; with this remarkable and well known expression, "that a king of England, who would be the man of his people, is the greatest king in the world; but if he would be any thing more, *par Dieu!* he is nothing." Charles could not at the first moment disguise his anger, but soon became master of himself; and laying his hand upon Temple's, said "You are right, and Gourville was right, and I will be the man of my people."‡

* He concluded the audience with the assurance, "that *in all cases* he was, and *would be*, a good Hollander;" and more than one historian of his government as king of England has remarked that he kept his word.

† Temple's Works, ii. 262. &c.

‡ Temple gives the saying of Gourville, and the hollow promise of Charles in French, from which it would appear that the audience took place in that language. "Un roy d'Angleterre," says Gourville, "qui veut etre l'homme de son peuple est le plus grand roy du monde, mais s'il veut etre quelque chose d'avantage par Dieu il n'est plus rien." — "Et moi," said Charles, "je veux etre l'homme de mon peuple."

Temple, on his arrival in Holland, was studiously avoided by the prince, and received little encouragement from the pensionary Fagel. The prince, without suspecting his personal good faith, knew the perfidy of his mission, and continued his military operations with not only success but glory. Meanwhile Turenne, opposed to the imperialists on the Rhine with a greatly inferior force, disconcerted the plans and defeated the armies of the imperial generals; and it may be added, by a slight anticipation of time, dishonoured his name, his conquests, and the French arms, by visiting the Palatinate with all the horrors of famine, fire, and sword, against the laws of war as well as of humanity.*

The prince of Orange was opposed in Holland to the great Condé. They engaged at Senef, near Mons. Condé began the attack and produced some disorder in the ranks of the Spaniards, which was soon repaired by the prince of Orange. The battle was three times renewed with fury, and victory was claimed by both sides. The prince of Condé had three horses killed under him, and fought his last battle with a youth, not for glory, but for safety, like Cæsar at Munda. He is reported to have said of the prince of Orange on the occasion, that he acted like an old captain in all but the ardour with which he courted danger. Both captains, however, are severely censured in the military memoirs and histories of the time;—but such particulars do not come within the scope of these pages.†

The prince of Orange moved upon and invested Oudenard with the twofold aim of carrying that strong place, and once more engaging the prince Condé. *Te*

* The elector palatine is stated, by most historians who have mentioned the devastation of the palatinate, to have challenged Turenne in his despair. It is denied by Collini, secretary to the next elector. (Note in the more recent editions of the age of Louis XIV. sub ann. 1675, where the conduct of Turenne is reprobated with indignant humanity by Voltaire.)

† The prince of Orange was condemned for the want of due precaution in passing the defile of Senef, but applauded for the skill with which he repaired his error; whilst it was said of the prince of Condé, that "in the beginning of the action he was a great captain, in the middle more a soldier than a captain, and in the end neither a captain nor a soldier."

Deum had been sung at Paris for the victory of Senef; the prince of Condé saw that the capture of Oudenard by the prince of Orange immediately after the battle would expose the French claim of victory to the derision of Europe *; and he marched rapidly with his main force to its relief. A considerable portion of the besieging army was Spanish and German, commanded by the count de Souches and prince of Vaudemont. The prince of Orange proposed an attack upon the French, on the instant of their arrival; whilst under the disadvantage of the fatigue and disorder of a rapid march; the count de Souches not only refused to co-operate, but withdrew his force †; and William, thus reduced to the necessity of declining battle, retired from the army in disgust.‡ He, however, soon returned to the camp, and concluded the campaign with the taking of Grave.

It was at this period that the first overture of a marriage with the princess Mary, daughter of the duke of York, was made to the prince of Orange. Charles, notwithstanding the censure of the commons, retained Lauderdale at the head of the administration of Scotland; dismissed Buckingham from his own capricious alienation, or in compliance with the capricious hostility of the duchess of Portsmouth; and made Arlington cede, or rather sell for 6000*l.*, his secretaryship of state to sir Joseph Williamson, and buy in his turn the pageant office of lord chamberlain from the earl of St. Albans. Temple had a hopeless conference respecting the proposed mediation with the prince on his return from the army to the Hague; reported the particulars in a despatch to the king; and was simply informed in reply, that lords Ossory and Arlington should soon arrive in Holland. Both were married to Dutch ladies, sisters; and the pretext under which they left England was a private visit to the families of their wives. The real object was this proposal of marriage.

* Basnage, ii. 528.

† Sir William Temple, ii 275., dates from this siege the jealousies and dissensions between the confederates.

‡ Temple's Works, ii. 276.

It was the counsel of Arlington to the king. He saw the lord treasurer Danby daily outstripping him in court favour, and thought to recover his ground by bringing about a marriage which would disarm and conciliate the house of commons, and thus gratify Charles in his ruling passions, — rapacious prodigality, and the love of ease and pleasure. The proposal was eagerly adopted by the king; and the duke, after urging his parental rights, and the indelicacy of a proposal of marriage coming from the lady, was forced to acquiesce.*

Arlington was personally disliked by the prince of Orange†; and lord Ossory charged himself with opening the business. Upon his first suggestion of the marriage, William, with his characteristic want of politeness and gallantry, stopped him with the laconic observation, that he was not in circumstances to think of a wife‡; and Arlington returned to find himself lower than before in the favour of the king.§ The rejection of the proposal by William has been ascribed to the advice of his partisans in England, with whom he secretly corresponded, and to the pregnancy of the duchess of York.

Parliament stood prorogued to the 10th of November. The duke of York, who had already a presentiment of the bill of exclusion, and communicated it to Colbert de Croissi, the French ambassador‖, looked forward with alarm to the opening of the session. The king of France was no less averse, from his apprehension that the parliament would force Charles into the confederacy against him. Charles abhorred parliaments as much as either; but submitted to its meeting with the hope of a supply. The only escape was to obtain money from

* Life of James, i. 502.

† Temple's Works, ii. 293. Temple's version, however, is biassed. After having flattered Arlington in a manner unworthy of his character, he changed with the time, and transferred his homage to Danby. No one can read Temple's letters without seeing that his reputation is exaggerated.

‡ Temple's Works, ii 394. The duchess of Marlborough has recorded of William III. some curious instances, not only of want of gallantry, but of the most selfish rudeness.

§ Temple's Works, ii. 293.

‖ Dal. App. 98.

some other quarter; and Louis XIV., through the intervention of James, purchased a prorogation of the parliament with a bribe of 500,000 crowns to the king.*

1675. The prorogation thus bought was only from the 10th of November to the following 13th of April. Meanwhile the opposition was organised by adepts in faction, animated with passions violent and fearless, without the restraint of moral scruple or personal generosity. Shaftesbury inspired the opposition in the house of commons with his counsels, and led it in person in the house of lords. Here he was seconded by Buckingham,—now a flaming patriot vaunted by the people. Both were notoriously deep in the worst counsels and most tyrannical projects of the cabal;—but a deserter from the court is received by the people with the same indulgent placability as a deserter from the people by the court—as if there were something detergent or redeeming in apostacy. In the house of commons, the most active leaders in opposition were sir Thomas Littleton, sir W. Coventry, Garraway, colonel Birch, sir Thomas Meres, sir Thomas Lee, lord Cavendish, Powle, Vaughan, Sacheverell, and sir Samuel Barnadiston.

Of the cabal two only, Lauderdale and Arlington, held their ground at court. The former rose in the king's favour from his tacit defiance of the house of commons; whilst the latter, from his submissive behaviour when accused, and other subsequent causes, was treated coldly by the king and the duke of York. Arlington, disregarded by the commons, was a bent if not broken reed; and Lauderdale was marked out for attack. But another person was the destined object of more serious and systematic crimination — the lord treasurer Danby, who had risen upon the ruins of the cabal.

Danby's financial administration appears to have been conducted with ability and success. He became

* Dal. App. 98. Lett. of Rouvigny in the French *depôt*, &c.

treasurer at a crisis which would have disheartened or overpowered a person of less courage and ability. The Dutch war, the scanty supplies, the shutting of the exchequer, had left the government without funds or credit. With no other means than economy and order, he improved the yearly revenue by about 70,000*l.*, a sum not inconsiderable at the period; restored credit so far as to borrow money at eight per cent., the usual rate having been ten; and paid the bankers, who had been so scandalously treated by the cabal, 315,000*l.* interest on their claims upon the exchequer.*

Meritorious service would have proved an insecure defence against an opposition of which the mass regarded every movement of the court with distrust and fear, and ambitious demagogues who were actuated by envious hatred of the minister. The treasurer, accordingly, took the surer means of skilful manœuvring and parliamentary corruption†, to defend himself against his assailants. He easily foresaw that the chief topics of the opposition would be the French alliance, the policy of joining the confederates against Louis XIV., and the everlasting chimæra of popery. The treasurer, though decidedly hostile to the French connection, and favourable to Holland, neither hoped nor probably attempted to detach the two brothers from the former; but he had in the preceding year proffered his services through his son to the prince of Orange, who accepted them with the assurance of his friendship in return; and he deprived his enemies of the advantage derivable from the terrors of popery, by persuading the king to issue his proclamation during the recess for the strict execution of the laws against papists.

The suppression of conventicles was coupled with that of popery, to conciliate the high church; and he tried to marshal the cavaliers under his banner, by

* Letters of Lord Danby.

† Of this there are no substantive proofs or particulars; but the fact is asserted as notorious and unquestionable by Andrew Marvel and other contemporary writers, and the result of the impeachment may be regarded as presumptive or implied proof.

promises of court favour, and by erecting a statue at his own cost to Charles I., "to reward," says Marvel, "the whole party in effigy."

Parliament met on the 13th of April, the day to which it stood prorogued. Charles opened the session with a speech, in which he desired to know what might be yet wanting for the security of religion and property; and suggested to them a watchful guard upon the contrivances of ill men. The lord keeper Finch followed, in an interminable strain of rhetorical amplification and fulsome eulogy. "Such pilots," said he, "need not fear a storm. If you could, this consideration alone were enough to support you,—'you carry Cæsar and his fortunes.' You serve a prince in whose preservation miracles have become familiar; a prince, in whose style *Dei gratia* seems not to be written by a vulgar pen, but by the arm of Omnipotence itself."

The commons voted the usual address of thanks for his majesty's gracious care of religion and property; which was soon followed by a second address, for the recal of his majesty's subjects from the service of the French king.

About 2000 English auxiliaries, it will be remembered, served with distinction under the command of the duke of Monmouth against the Dutch. No specific provision was made in the treaty of peace for their recal; but the Dutch contended that it was implied in the general provision, that neither party should aid the enemies of the other; whilst Charles maintained that he discharged his obligation under the treaty by not allowing the British regiments already in the French service to be recruited.

Secretary Coventry delivered the king's answer, that the recal of the auxiliaries would derogate from his honour and dignity, and prejudice his relations of peace with all his neighbours; that their number was inconsiderable, and that he would not allow them to be recruited. This answer was vehemently resented by the commons, and made the subject of a

debate, which ended in a scene as far surpassing the explosions of the commons at the commencement of the first long parliament in violence as it fell short of them in vigour and effect.

The house resolved itself into a committee to consider of the answer, and of a second address; and the matter was debated by several members with unusual warmth and licence of expression.

One circumstance in the debate merits particular notice. Sir Thomas Littleton distinctly asserted, for the first time in the proceedings of parliament, the constitutional latitude, by which a king's speech is animadverted on as proceeding from the minister. "Here," said he, "is an answer from the king; I desire that what is said upon it may be thought to reflect, not upon the king, but upon its authors. I think it a very ill one, highly prejudicial to the people, and destructive to the king."

The committee having divided upon the question of "a further address," the tellers, sir Trevor Williams and sir John Hanmer, could not agree. Shouts of "tell again," and "report, report," were quickly followed by the use of offensive language and violent gestures in groups, and between individual members. Lord Cavendish and sir John Hanmer were the most prominent. Several members had their hands upon their swords; and the house of commons was about to become the scene of a bloody fray, when the speaker, consulting only his firmness and the emergency, took the chair; ordered and caused the mace to be placed on the table, in spite of the resistance of some members, who placed their feet upon it; restored order; and obtained a pledge from the members to keep the peace towards each other.

The address was again moved, and voted next day; but there is no record on the journals of its having been presented, or of any further proceeding upon it.

The zeal of the addressers is said to have been stimulated by bribes, or, as they were delicately termed, gratifications, distributed among the members by the Dutch and Spanish ministers; whilst the dropping

of the matter was ascribed to the counterbribes of lord Danby.

That minister and Lauderdale, it has been stated, were marked out for attack, when the parliament should have met. The commons began with the duke of Lauderdale. They reproduced the former charges, and questioned Burnet upon a private conversation between him and Lauderdale, which the former had the baseness to disclose.

Burnet affected a delicate reluctance to betray a confidential conversation, especially after Lauderdale had become his enemy, — until his scruples were overcome by the authority of the house of commons.* He immediately fell into disgrace with Charles and James, to both of whom, especially the latter, he had made servile court; — and even the commons, of whom the majority were disgusted with his treachery, made no use of his communication.†

From this incident may be dated Burnet's conversion from a Tory to a Whig, and his ultimately earning a bishopric by lending himself to the meaner offices of the Revolution, with which alone it will appear the prince of Orange ever trusted him.

An address for the removal of Lauderdale was again voted and presented to the king, who replied, that the words charged upon him as used at the council board were covered by the act of grace; and that his raising an army in Scotland, was but the result or complement of a measure of the Scottish parliament before his appointment of chief commissioner.

A formal impeachment for high crimes and misdemeanors as lord treasurer was exhibited against Danby by sir Samuel Barnadiston, and supported by the chief leaders of the opposition. It was resolved that evidence should be taken separately upon each charge; and the

* One member said, that "Burnet came, fishing to know whether they would have any thing from him;" another, that "as to its not being for Burnet's honour to say what he knew, it was no argument, for he seemed to insinuate something more he had to say." — Parl. Hist. iv. 666.

† See note of Speaker Onslow in Burnet, ii. 66.

question being thus put upon each, whether it was or was not proved, passed in the negative.

It is worthy of remark, that the opposition generally began with blustering vehemence and a majority of votes, but that the court as generally succeeded in the end. It is difficult to account for this phenomenon but by secret corruption. A diligent and acute member of this parliament, and a witness of these proceedings, expressly states that "high bribing" alone brought off lord Danby.*

Whilst the court found it thus difficult to balance opposition in the house of commons, it could dispose absolutely of the house of lords; and made an experiment upon the servile or tyrannic temper of the majority of that house, which, if it completely succeeded, would sweep away every vestige of civil and religious freedom from the land. Clarendon, it will be remembered, attempted, soon after the restoration, to transfer the doctrine of passive obedience from the homilies to the statute-book, and was defeated by only three votes in the house of commons. Two of the three persons whose opportune presence in their places turned the scale, were lords Lindsay and Danby, then members of that house.

The memorable non-resisting test, a more extensive and sweeping abrogation of all liberty than that of Clarendon, was now brought into the house of lords by lord Lindsay, and supported by lord Danby. It was couched in the following terms: — "I, A. B., do declare, That it is not lawful, upon any pretence whatsoever, to take up arms against the king; and that I do abhor that traitorous position of taking up arms by his authority, against his person, or against those that are commissioned by him, in pursuance of such commission; and I do swear, that I will not, at any time, endeavour the alteration of the government, either in church or state. So help me *God*." It was recommended by its advocates as "a moderate security

* Marvel, in his Letters.

to the church and crown," and denounced by its opponents as "a most compendious and binding dissettlement of the whole birthright of Englishmen." *

After seventeen days' debate, signalised by eloquent speeches, and vigorous protests, it passed with some modifications. One protest, signed by twelve peers, declared that it struck at the very root of government, by taking away all legislative power; for he that swore never to alter, became perjured by endeavouring to amend. The part most freely debated was that relating to the church. Some bishops had the hardihood to reassert the doctrine which had tended not a little to provoke the civil war and the fate of Charles I., — that the priesthood derived their powers from Christ, and only the licence to exercise them from the civil magistrate. It was replied, that the establishing of that dogma by oath or test would exalt the power of the priesthood beyond the reach of the crown, the laws, and the legislature. Danby proposed, by way of qualification, "the protestant religion." It was asked in reply, where the protestant religion was contained or defined. The bishops said, in the thirty-nine articles, the liturgy, the canons, and the homilies. It was rejoined, that to declare them unchangeable would imply the absurdity, that the authors of them were infallible.† It passed the house with the following modifications: — After the words "commissioned by him," were inserted the words "according to law, in time of rebellion and war, and acting in pursuance of such commission;" after "I will not endeavour," "any alteration of the protestant religion now established by law in the church of England;" after "in church or state," "as it is by law established." The penalty, in case of non-observance was a fine of 500*l.* to the king, and incapacity for all places of trust or profit under the crown, — with the exception of the members of both houses.

This test has been regarded as a partition scheme, concerted between the crown and the mitre, to despoil the nation of its liberties. "The king," says a historian

* Marvel, Growth of Popery, &c. † Parl. Hist. iv. 714, &c.

of the time, "would admit the bishops to share with him the allegiance of his people, and they, by way of consideration, would give the people up to the will and pleasure of the king." Charles was so eager for its success, that he daily attended the debates to encourage the court majority, and intimidate the opposition by his presence. He usually stood by the fireside; upon which Marvel observed, that if the sun was not in their faces, the fireside was.

It was observable that the Roman catholic and dissenting peers joined in opposing it. The opposition of the latter was to be expected; that of the former is ascribed by a writer whose prejudices were violent and credit doubtful*, to a manœuvre of Shaftesbury; who impressed upon them, that this test was but the first step to their exclusion from the house of peers. It is possible that the catholic peers, men for the most part of high birth and historic name, resisted, in the spirit of their ancestors, and of English liberty †, the imposition of a test which would degrade to a servile condition the aristocracy, as well as the people.

The success of the test, or any other court measure, in the house of lords, was a matter of course: the great question was its fate in the house of commons, and here the issue was most doubtful. The acquittal of Danby, and the rejection of a bill to disqualify members of the house for holding any place under the crown, proved the influence of the court; but sir John Renesby, who had recently become a member of the house, states that the numbers appeared so nicely balanced, as to alarm both sides for the result. An opportune quarrel

* North, in his Examen, &c.

† Marvel, referring to this memorable contest in his "Growth of Popery," says, "It was perhaps the greatest which had ever been in parliament; wherein those lords that were against this oath, being assured of their own loyalty and merit, stood up now for the *English* liberties, with the same genius, virtue, and courage that their noble ancestors had formerly defended the great charter of *England;* but with so much greater commendation, in that they had here a fairer field, and the more civil way of decision: they fought it out, under all the disadvantages imaginable; they were overlaid by numbers; the noise of the house, like the wind, was against them; and, if not the *sun*, the FIRESIDE (*the king generally stood there*) was always in their faces: nor, being so few, could they, as their adversaries, withdraw to refresh themselves in a whole day's engagement."

of privilege between the two houses rescued the nation from a perilous contingency.

The court of chancery, in a suit between sir John Fagg, a member of the house of commons and a doctor Shirley, having given judgment against the latter, he carried the cause by appeal to the house of lords. The usual notice to put in his answer was served upon sir John Fagg. He brought the matter before the house of commons: it was voted a breach of the privilege, on the ground, that "a suit by petition of appeal could not be prosecuted in the lords' house, against a member of the house of commons, during the session and privilege of parliament." The lords insisted upon their appellate jurisdiction, and called upon the appellant to proceed. The commons committed him and his counsel* to the Tower. The lords directed the lieutenant of the Tower, by writ of *habeas corpus*, to liberate them; but he thought it prudent to obey the warrant of the commons. The king recommended a conference, which proved unavailing; and in four days after (June 9th) separated the disputants by putting an end to the session.†

Privilege of parliament was then, as it is even now, undefined and uncertain, and the appellate jurisdiction of the house of lords was recent, if not unsettled; but yet the privilege arrogated by the house of commons appeared so extravagant, that the quarrel was supposed to have been got up by Shaftesbury, in his fear of a court majority of the commons, as a device to prevent the non-resisting test from coming into that house. The device was not unworthy of his adroit and inventive genius; and Charles, in his attempt to settle the dispute, described it as a malicious contrivance of persons who were enemies to him, and to the church of England.‡

* The counsel escaped from the custody of the serjeant-at-arms.

† The following specimen of the facetiousness of the house of commons at this period would be too frivolous for citation, if it did not illustrate the manners or tone of the age: — "During the debate upon this resolution, some ladies were in the gallery, peeping over the gentlemen's shoulders. The speaker, spying them, called out, 'What borough do those ladies serve for?' to which Mr. William Coventry replied, 'They serve for the speaker's chamber!' Sir Thomas Littleton said, 'The speaker might mistake them for gentlemen with fine sleeves, dressed like ladies.' Says the speaker, 'I am sure I saw petticoats.'" — *Parl. Hist.* iv. p. 732.

‡ Parl. Hist iv. 737.

The parliament was prorogued to the 1st of October. Charles made a merit of again meeting them so soon; but it was well understood that he consulted his want of money, and his hopes of a supply. The revenue, notwithstanding the able and economical management of Lord Danby, was anticipated (that is mortgaged) to the amount of 867,000*l.* Charles, after recommending concord between both houses, and the most religious care of the church of England, desired a supply to build ships, and meet the anticipations on his revenue. He ascribed his wants chiefly to the charges of the Dutch war; but acknowledged his prodigality with that deceitful air of simplicity and frankness, which he could assume for his purpose. "I find," said he, "by a late account I have taken of my expenses, that I have not been altogether so good a husband as I might have been, and as I resolve to be for the future."

Neither the king's affected ingenuousness and familiar style, nor the laboured rhetoric of the lord keeper, made the slightest impression. The house of commons having resolved itself into a committee on the king's speech, it was calculated, upon a comparison of the expenses of the war with the grants of parliament, and the Dutch reimbursement under the treaty, that the king, instead of being in debt, should have near a million surplus; and that as to the king's debts, he had a clear income of 1,300,000*l.* to meet 700,000*l.*, the reasonable expenses of the crown. Broad insinuations were thrown out, that the debts of the crown resulted from the prodigality of the court, and the house refused a supply to discharge them. The majority of the opposition was four in a house of four hundred members.

A vote of 300,000*l.* was passed at the same time for building ships; the tonnage and poundage duty was annexed to the navy; and the provision by which both were appropriated, was stringent and penal.* It appeared from

* A resolution that the money voted for building ships should be lodged in the chamber of London, under the charge of the lord mayor and common council, and not in the king's exchequer, was negatived on a division, by 171 to 160.

the documents laid before the house, that the English navy consisted of eight first, nine second, and forty-three third rates; being fourteen below the Dutch, and twenty-six below the French navy. It would thus appear that France had risen to the first, and England sunk to the third, maritime power, so far as this depended upon mere material force, and the government for the time being — not upon the inherent genius and resources of the people. *

It soon appeared that the commons were prepared to revive those measures of the last session which were most obnoxious to the court. A test was devised for placing the votes beyond the reach of court favour. Each member was to protest before God and that house of parliament that he had not, since the year 1672, received any pecuniary favour, or promise of such, in any shape, directly or indirectly, from the king, or from any foreign ambassador or minister. The bribery of members by the court was asserted as notorious. Letters addressed by the secretaries Coventry and Williamson to several members, were severely animadverted on. "Writs," says Waller, "call us hither *ad consulendum*; but these letters, *ad dandum*." Coventry made a strange defence. His fault, he said, if fault it were, consisted in his obedience to the king's particular command. This pretension was one of the most arbitrary of those set up by Charles I., and had no light influence on his fate. That the example of Charles I. should be thrown away upon his son, is nothing extraordinary. Despotic princes are proverbially incorrigible. It would appear, not only from this instance, but from the course of experience, that ministers of state are not less so, whilst there is much less excuse for them.

A new crusade was at the same time commenced

* Pepys, in his speech on this occasion, maintained that the fleet was in a better condition than at the restoration, or the times of the king's predecessors. Diary and Parl. Hist. iv. 774. It required no little effrontery, in this time-serving subaltern, thus to sink his knowledge of the naval force of the commonwealth, which was, moreover, no less fresh in the memory of those whom he addressed.

against popery in their respective ways by the two houses. It was provoked by a French adventurer, assuming the name of Luzancy and the character of a Jesuit, who had recently abjured and exposed the abominations of popery in the French church of the Savoy, published his sermon, and been immediately adopted, patronised, and enriched as a precious acquisition to protestantism.

The success of his first imposition tempted him to repeat the experiment. He told a story more absurd than the subsequent romance of Oates, — of his having been found alone in his lodgings by a priest named St. Germain, who compelled him, with a poniard to his breast and three bravoes posted at his door, to renounce protestantism and return to popery, — with various subsidiary fictions, no longer worth notice. The poniard was no sooner withdrawn from his breast, and the priest with his followers from his lodgings, than he told all to a brother convert, disavowed his recantation, and placed himself under the protection of both houses. The commons voted the apprehension of all popish priests, and passed a bill for the exclusion of papists from both houses and the court; whilst the lords showed their zeal by a bill for the encouragement of foreign Jesuits to embrace protestantism.

Charles played his part by proclaiming in the Gazette that he had taken the precious life of Luzancy under his royal protection, and offering at the same time a reward of 200*l.* for the apprehension of father St. Germain.

The falsehood of the tale became apparent, upon Luzancy's appearing to sustain it before a committee of the house of commons and the privy council. His imposture in this case, his previous adventures, and his having left France a fugitive from public justice, were made known in print; and the two houses, ashamed of their proceedings, dropped the matter.

Compton, bishop of London, less susceptible, ordained Luzancy, and preferred him in the church. Such is

the blindness or bad faith with which the champions of one religious communion adopt the most profligate adventurer* in the guise of a proselyte from another.

The dispute respecting Shirley's appeal, which cut short the last session, was revived in this. It began on the part of the commons, with a vigorous stroke of authority by the speaker Seymour. Passing through Westminster Hall, on his way to the house, he commanded the serjeant-at-arms to arrest Shirley's counsel.

Seymour had relations with the court; and it was supposed by some that he acted upon a private understanding, or express directions from the king, by way of

* The following is an extract from Anthony Wood's account of Luzancy in his Fasti Oxonienses, ii. 351 :—"Counterfeiting the name of Luzancy, by a bill signed with that name, he cheated the damoizele Cartier of a piece of money. So that by that and other pranks, which exposed him to the pursuit of justice, he left France, went into England by the name of De la Marche (which he quitted about a month after his arrival), and at length came to London, without clothes, without shoes, without money, and without any recommendation from France. Soon after, upon his own word, and at the instance of some who solicited in his behalf, he was permitted to get into the pulpit at the Savoy, within the liberty of Westminster, not only to declare the motives of his conversion, but his abjuration from, and abhorrency of, the Roman catholic faith, which was solemnly done on the eleventh of July, anno 1675. The discourse he made, and which he delivered with much boldness, gained him the esteem of his auditors, who for the most part, charmed with his eloquence, and full of compassion for his misery, soon cast about to put him into a condition of appearing in a decent habit and subsisting. After this he was much favoured by some, and as much hated by the Roman catholics, particularly by St Germaine, a Jesuit in London; who, pretending to assassinate him, as Luzancy gave out, was a proclamation issued forth for his protection, and the taking of St Germaine to bring him to condign punishment. After this, Luzancy's advancement being powerfully carried on, the bishop of London took care to have him ordained, with a design of putting him in a condition of becoming one day a great defender of the church of England: all which being done in a hurry, 't was to little purpose for the pastors and several masters of families of the church at the Savoy to cry out against But whilst these things were in doing, a minister of the church of England belonging to the French church at the Savoy, named Richard du Marescq, full of zeal to the truth, printed a sermon which he had preached during these bustles, and in the preface to it doth give a true and just character of Luzancy, not for his goodness, but baseness, lying dissimulation, &c.; which sermon and preface, as soon as they appeared in public, the bishop of London caused all the copies to be seized, and the author cited to the bishop's court, interdicted the function of his charge, because he refused to ask God forgiveness, his neighbour, the church, his superior, and to sign and seal a declaration, and at length openly suspended him for reasons reserved to the bishop and his officers." —The University of Oxford admitted him *ad eundem* as a graduate of the University of Paris, upon the recommendation of Ormond, chancellor of the University, and his own bare word, without testimonials. He contrived at Oxford to wheedle one of the chaplains out of a sum of money, of which, says Wood (ibid.), "he minded not the payment." The bishop of London, notwithstanding, made him vicar, first of Harwich, and afterwards of South Weeld, Essex. Bliss's notes, ibid.

a diversion from still more alarming proceedings of the commons.* But it is recorded in the memoirs of sir John Beresby, on the authority of lord Halifax, then in the interest and confidence of his uncle Shaftesbury, that the quarrel was revived at the instigation of the opposition lords, in order to bring the session to a close, by prorogation or dissolution, as the only means of preventing the court from gaining a majority in the house of commons, by corruption.

The student of the history of this period has to wade through corruption and faction, — unhappily rendered still more revolting in their progress by religious fury and the shedding of innocent blood.

The renewal of the contest between both houses is chiefly distinguished by the well known speech of Shaftesbury, in support of the jurisdiction claimed by the peers.† The lord keeper and the bishops were disposed to temporise; but Shaftesbury succeeded in carrying a vote, that a day should be appointed for hearing the cause. This decision exasperated the commons beyond even their former anger: such, doubtless, was the purpose

* Marvel, in his "Growth of Popery."

† This speech appears to have led Hume and other historians, English and foreign, into a material error. "They" (the commons), says he, "not only maintained that no member of their house could be summoned before the peers,—they also asserted that the upper house could receive no appeals from any court of equity." It is true this is maintained in Shaftesbury's speech; but it must be understood as a logical conclusion, from this resolution of the commons, not as a premise or fact. This is proved by Shaftesbury's reference in the same speech to the speech of the bishop of Salisbury (Dr. Seth Ward). "My lord bishop," says he, "tells us that your whole judicature is not in question, but only the privilege of the house of commons of their members not appearing at your bar; all doubt is removed by the terms of the resolution on the subject: — 'Resolved, That whoever shall prosecute any appeal before the lords *against any commoner of England* from any court of equity, shall be deemed a betrayer of the rights and privileges of the commons of England, and shall be proceeded against accordingly.'" Parl. Hist. iv. 791.; also State Trials (Howel's), vi. 1183., taken from the journals. In fact, it will be seen, upon a moment's consideration, that such a pretension could not be put forth *as a matter of privilege* without a solecism in language. Shaftesbury, however, whilst he maintains the jurisdiction of the peers, intimates very broadly that it was not always scrupulously exercised. "I must," said he, "deal freely with your lordships. These things could never have risen in men's minds, but

all causes: it was come to that pass, that men even hired, or borrowed of their friends, handsome sisters or daughters to deliver their petitions." Parl. Hist. iv. 796.

of Shaftesbury, with the hope of provoking a dissolution. Lord Mohun accordingly moved an address to the king for the dissolution of a parliament, which had sat so long as no longer to represent the people,—and the calling of another. The debate was vehement and eloquent. It was argued, with bitter irony, that nothing but the goodness of the prince had prevented a parliament which sat so long from being bribed, to render the government absolute, like that of France; that members, instead of being paid, as formerly, by their constituents, now gave 1500*l.*, 2000*l.*, and even 7000*l.*, for their return,—doubtless from zeal for the public interest, and not in accordance with the musty English proverb, that "men who buy dear cannot live by selling cheap;" that the country could not hope to have always so virtuous a prince, and such disinterested commoners, and that the only security was in short and frequent parliaments.*

The duke of York, who feared and hated this parliament, voted with the opposition, and the motion was negatived by a majority of only two.

A protest against this vote had received the signatures of twenty-two peers, and would receive more if the king, unexpectedly presenting himself, had not put an end to the session, by a prorogation for the unusual and alarming period of 15 months, from the 22d of November, 1675, to the 15th of February, 1677.

* See Shaftesbury's account of the debates, Parl. Hist. iv. app. 7.

CHAP. VI.

1676—1678.

CONGRESS OF NIMEGUEN. — THE PARTIES ENGAGED. — DEATH OF RUYTER, AND OF TURENNE. — MONTECUCULI. — LOUIS XIV. — THE PRINCE OF ORANGE. — SECRET MONEY TREATY. — PLAN OF THE OPPOSITION. — SHAFTESBURY. — SHUTTING OF THE COFFEEHOUSES. — THE LATE CHANCELLOR CLARENDON. — OPENING OF PARLIAMENT. — QUESTION RAISED UPON THE LONG RECESS. — DEBATES IN THE LORDS AND COMMONS. — CORRUPTION OF THE LATTER. — DANBY'S BILLS AGAINST POPERY. — CORRUPT INTRIGUES OF THE OPPOSITION WITH LOUIS XIV. — COMMITTAL OF FOUR OPPOSITION LORDS, BUCKINGHAM, SHAFTESBURY, SALISBURY, AND WHARTON, TO THE TOWER. — MUTUAL DISTRUST OF THE KING AND THE COMMONS. — MARRIAGE OF THE PRINCE OF ORANGE. — THE KING'S RIGHT TO ADJOURN PARLIAMENT. — THE WHIG OPPOSITION AND BARILLON. — TERMS OF PEACE. — MISSION OF ROUVIGNY. — LETTER OF DANBY. — SECRET MONEY TREATY. — SHORT PROROGATION. — CONTEST BETWEEN THE OPPOSITION AND THE KING. — CONDUCT OF CHARLES. — TREATY OF NIMEGUEN. — POWER AND DESIGNS OF LOUIS XIV.

THE attention of Europe was fixed during this year by 1676
the congress of Nimeguen, and the course of the war. The incidents of a campaign, maintained by separate armies, on separate theatres of action, under the command of famous captains, however interesting, can only be touched in passing within the limits of a compendious narrative, whose chief object is civil history; and the paramount motives of state policy which produced the anomalous combination of parties in the war more properly belong to the history of Europe. It should be observed, however, that, whilst in England the war between Louis XIV. and the confederates was described as a contest between popery and protestantism, the king of France had for his solitary ally the protestant state of Sweden, whilst the Calvinist republic of Holland was in armed confederacy with the two great catholic powers of Spain, and the empire.

The ruling sovereigns, Spanish and imperial*, had too little understanding to comprehend, and too much catholic zeal to adopt if they comprehended, the views of this confederacy; but the ruling power was exercised by their respective councils. Sovereigns are led blindfold by ministers of state, as the multitude by demagogues.

The congress of Nimeguen was opened in July, 1675, under the mediation of Charles. Lord Berkeley, sir Leoline Jenkins, and sir William Temple appeared there as his representatives. So little disposed were the chief powers to an agreement, that at the close of the following year no basis of treaty was yet proposed. The time was consumed in preliminary arrangements, the discussion of which was protracted by design. Both sides appeared to wait the result of the campaign of that year. The power of Louis XIV. at this period, compared with the state of France when he assumed the reins of government, proves the ability of his administration, or rather, perhaps, the vigour and genius of his chief minister. He was now at war, almost unassisted, with the rest of continental Europe, by land and sea, from the Mediterranean to the Baltic.

De Ruyter, illustrious alike as a warrior and patriot, died of fever brought on by a slight wound, which he received in an engagement with the French off Messina, in the spring of this year. The council of Spain sent him the title and patent of a duke, which arrived in Holland with the news of his death; — "an alien and frivolous dignity for a republican," says Voltaire, "which his sons, worthy of such a father, refused."

France had shortly before been deprived of Turenne, who divided the palm of military genius in his day with the prince Condé, and has been adjudged his superior as a master of the art of war. Turenne, after defending the French frontier and defeating the imperialists with a greatly inferior force, was opposed to a rival more

* The queen regent and the young king of Spain, who about this period attained his majority, and the emperor Leopold.

worthy of him than Caprara, Bournonville, the princes of Lorraine, and the elector of Brandenburg: this was Montecuculi, one of those minds of the first order, which Italy has so often produced in her decline,—as if to prove that she was not effete. After three months of mutual observation and counter manœuvring, and their resolving at last to abide the issue of a battle, Turenne, whilst selecting ground on which to plant a battery, was killed by a cannon ball, near the village of Saltz-back, on the Rhine.

Montecuculi, hitherto kept in check by Turenne, defeated the French under his successor, marshal de Lorges, passed the Rhine, and became master of Alsace. Another French marshal, Crequi, was at the same time routed, with the total loss of his army, by the imperialists, at Cansarbruck; threw himself, with only a few followers, into Trèves; and was made a prisoner at the taking of the town.

The balance of conquest was still on the side of France. Some of the strongest places in the Low Countries, as Condé, Bouchain, Cambray, and Valenciennes, were besieged and taken by the French in the course of this and the spring of the next year. Louis XIV. left to his captains engagements in the field where he could not pretend to command without putting his personal courage to the test *, affected the reputation of directing sieges, in which his person was more safe, and, having been present, took credit for the taking of those places. It is evident, even from Voltaire, that he was indebted for those conquests to the direction and genius of Vauban.

That celebrated engineer made an innovation, not to be passed over, in the practice of the art at the siege of Valenciennes. It was hitherto the usage that assaults

* He is described in the secret memoirs of the time, which have since come to light, as a braggart; and his declining to engage the prince of Orange when the latter attempted to relieve Bouchain was ascribed throughout Europe, not to his prudence, but to personal fear. The prince would have forced him into action, if the Spanish general, Villa Hermosa, his colleague in the command, had not refused to hazard the contingency of a defeat, which would make the rest of Flanders an easy conquest to the French.

should be made in the night, by way of saving the blood of the assailants. Vauban proposed to make the attack in broad day. Five marshals, and Louvois, famous as a minister of war, who attended Louis XIV. at this seige, remonstrated vehemently. Vauban pressed no less urgently his advice and his reasons; and Louis had the merit of being convinced, in opposition to his chief minister and five marshals, two of whom were Luxemburg and Schomberg.

The prince of Orange, at the same time, was forced to raise the sieges of Maestricht and Charleroi; attempted to relieve St. Omer; was defeated by the two French marshals, Luxemburg and D'Humières; and yet acquired, instead of losing, reputation.

The States-general alone were inclined to end the war, and would make a separate peace, without scruple, if they did not fear that their frontier would be exposed, or rather their existence would be again compromised, if the Netherland provinces should be wrested from the Spaniards by Louis XIV. But the prince of Orange, animated against Louis by policy and personal resentment, the courts of Madrid and Vienna, alarmed by his ambition, his resources, and the success of his arms, proposed to reduce him within the limits of the treaty of the Pyrenees; whilst he, naturally enough, spurned the terms of a treaty made when France, distracted and exhausted, was governed by a timid minister, threw out as a basis the treaty of Aix-la-Chapelle, and aspired to dictate the terms of peace.

Louis calculated with a sanguine confidence, justified by the event upon the success of his arms. He apprehended but one event which might defeat his hopes — the defection of Charles, and the accession of England to the confederacy. Charles, it is true, was then at the absolute disposal of the king of France. But a prince without steady purpose or force of character, or a particle of moral or honourable scruple, the motive spring of whose life was personal self-indulgence, might desert at any moment to the adverse party; and Louis must

have known*, from his accredited envoys and secret agents in London, Vienna, Madrid, and the Hague, that the confederates were labouring to gain over his dependant, not only through their ministers in London, but through party leaders in the house of commons.†

There was but one hold upon Charles, and by that the king of France determined to secure him, — outbidding all competition in bribing him. A money treaty, with the usual secrecy, was accordingly concluded in London by the French envoy Rouvigny with Charles, the duke of York, Lauderdale, and Danby. It provided that the king of France should pay the king of England an annual pension of 200,000 livres, and aid him with French troops in case of insurrection in England ;—that the latter should enter into no engagement without the consent of the former.

Danby, influenced by his relations with the prince of Orange, and, perhaps, by some stirrings of English virtue, proposed that the responsibility of a transaction which might bring a minister to the block should be extended to the whole council. He well knew Charles would not consent, and his suggestion was, doubtless, a device to get rid of the treaty. Lauderdale made no objection ; James was a party to the compact ; and yet both refused, like Danby, to participate by any act which would imply or prove their cognisance ; and Charles was under the necessity, not only of sealing it with his private signet, but of writing it with his own hand.‡

Charles made use of Lauderdale and Danby as instruments to conclude the treaty ; but did not trust them with the payment of his pension. The money was delivered to his valet de chambre, Chiffinch, the infamous minister of his sensualities, — as if depravity were so congenial to him as to be the chief title to his confidence — and he signed the receipts with his own hand.§

* The surprising depth to which he penetrated the secrets of foreign courts may be collected from the published negotiations, among others, of D'Estrades and D'Avaux.

† Memorial of Blancard, Dal. App. 118.

‡ Id. ibid.

§ Id. ibid.

He soon touched 400,000 crowns *, his first year's pension; and, in the absence of a parliament, thought that he might abandon himself to that voluptuary indolence, which follows satiety, and which characterised his latter years. He, however, was not allowed to indulge without interruption, during the recess, his love of ease or pleasure. The complaints of English merchants respecting depredations committed at sea by the French forced upon him a fatiguing and hypocritical correspondence with the court of France; and the opposition, by its manœuvres preparatory to the opening of the session, was a thorn in his side. The French alleged, and probably with some truth, that the English flag was used to cover Dutch freights, and made restitution in some cases where this plea of capture was disproved.

The opposition planned their campaign for the ensuing session with profound art, and more than usual fearlessness. It may be assumed that the genius of Shaftesbury presided. The herd of patriots, from the moment he joined them, seemed possessed with his spirit. Their first movement was to excite the public mind to a morbid sense of present grievances, and impending designs against law, liberty, property, and religion. All places of public resort, more especially the coffee-houses, echoed strictures on the court and government.†

The licence of conversation in the coffee-houses had several years before alarmed Charles; and he communicated his apprehensions to Clarendon. That minister, whose credit was then waning, and who tried to maintain it by overcharged servility and arbitrary counsels, advised that all persons should be forbidden by proclamation to resort to coffee-houses, or else that spies should be placed in them to denounce those who spoke against the court, but was over-ruled by sir William

* Memorial of Blancard, Dal. App. 118.

† "The faction," says North, with his accustomed violence, "began to form a method of propagating seditious lies; and it was ordered by certain clubs where the lies, wherever at first invented, were delivered out to be dispersed abroad among all sorts of people, by means of coffee-houses."—*Examen*, &c.

Coventry at the council board, to his great disappointment, as it is recorded by himself.* The course now taken was to close the doors of all the coffee-houses, by taking away the licences of those who kept them. It was, however, apprehended that Jones, then attorney-general, would object to the proclamation, as illegal; and the council called in the superior and more complying authority of the judges.† Those grave organs of the law requested and obtained leave to confer in private. The result of their consultation was, that under the licence act (15 Car. 2.) no person could retail liquors without a licence; that the sessions could grant or refuse a licence to any person at discretion; and that as to other points submitted to them, they were not agreed.

The two judicial propositions thus laid down suggested, by a perfidious implication, what was desired by the council. If licences could be refused at discretion to individuals, it was concluded that they might be withdrawn from all; and by this monstrous construction of a mere excise act, which expressly required, as the sole condition of a licence, good security for payment of the duty, the coffee-houses were closed by proclamation. The public mind was revolted, not intimidated, by this outrage upon private property and the liberty of speech‡; and the court, from a prudent fear of the consequences, took advantage of an humble petition of the coffee-house keepers, and their promise of good behaviour, to restore the licences.

It was observed, that at the opening of parliament on 1677.

* Continuation of Life, iii. 676, &c. where he speaks of Coventry, a minister of much more public virtue than himself, in a tone of splenetic defamation

† North (Examen, &c.), who describes Jones as "attached to the faction, and a timidous man"

‡ Freedom of speech, however, had not yet become the settled privilege and habit of the people. Sir William Temple expresses his surprise at the freedom with which he heard the Dutch, in canal passage boats and other places of casual assemblage, discuss their own public affairs and those of other nations. But, to reiterate a remark which has been frequently suggested by circumstances in the preceding volumes of this Continuation, the freedom of person, speech, and the press, as practical rights, are of recent growth in England.

the 15th of February, Westminster Hall, and the avenues to both houses, were crowded with strangers brought together, according to the court party, by the opposition for the purpose of intimidation; attracted, according to the latter, by mere curiosity, to witness the effect of the grand stroke with which the opposition was to open the campaign. This was, to moot the question, whether a prorogation exceeding one year was not equivalent to a dissolution. The question had been launched without disguise by the opposition before the opening of the session, and the affirmative maintained in a pamphlet printed with the authority of Shaftesbury, Buckingham, Salisbury, and Wharton. Shaftesbury, recollecting that the duke of York had last session supported the motion for a dissolution, sent him the pamphlet, offered to send him more papers if that did not convince him, and received for answer, that the duke reserved his judgment for the discussion in the house of lords. The printed case of the opposition, thus placed in the hands of James, contained an *obiter dictum*, that parliament might alter the succession, designed, in the opinion of James, or of the compiler from his Memoirs*, to frighten him into concurrence with them. It is, however, much more likely that the real object was to prepare the public mind for the measure of exclusion. The four peers disclaimed the obnoxious *dictum*: Shaftesbury, Salisbury, and Wharton, as the interpolation of a lawyer who had charge of the printing; Buckingham, as inserted, without his consent, by Shaftesbury.

Charles addressed both houses in his usual strain of engaging hypocrisy. The harangue of Finch, who, from lord keeper, had recently become chancellor, with its overcharged court flatteries and general exaggeration, would alone have sufficed to mar its success, if his dissimulations were not now too familiar to succeed.

If the prorogation of fifteen months were *de facto* a dissolution, the present meeting was no parliament, and

* Life, &c. i. 505.

could not legally proceed. The question was accordingly started at the very threshold by the duke of Buckingham. His well-known speech* on the occasion is replete with argument and ingenuity, derived from the opposition pamphlets of the day, but relieved by the touches of wit and levity†, which were peculiar to him. The main ground was, that two acts of the 4th and 36th Edward III., provided that parliament should be holden "every year once or more often, if need be;" that these acts were passed expressly for the maintenance of Magna Charta; and that the triennial act, whether of the late or present reign, could no more repeal them than the great charter itself. The court lords urged in reply the triennial act, as admitting a vacation of three years; and Finch, their chief organ, weakened a laboured argument by the flimsy construction, that the conditional "if need be," applied to both members of the sentence; that is, "every year once, if need be, or more often, if need be," of which need the king was he said the judge.‡

The opposition leaders supported Buckingham with spirit; but the court majority overwhelmed them without a division, and signalised its triumph by an act of violence which would not only silence, but extinguish, a minority. Buckingham had no sooner concluded, than lord Frecheville moved that he should be ordered to the bar. Lord Salisbury treated this motion as disorderly and extravagant, and reinforced the speech of Buckingham with a spirit amounting to defiance of the court. He was answered by lord Arundel (of Trerice). Shaftesbury replied to his feeble adversary with crushing force. The chancellor Finch answered him, and was answered in his turn by lord Wharton.

The debate lasted five hours, without concluding the whole matter. It was voted by acclamation that the

* Parl. Hist. iv. 814, &c.

† "The ground of my opinion," said he, at the very beginning of his speech, "is taken from the ancient and unquestionable statutes of this realm: and give me leave to tell your lordships, by the way, that statutes are not like women, for they are not one jot worse for being old."

‡ North, Examen.

amendment of lord Frecheville should be postponed to the next day,—when a motion that Buckingham, Salisbury, Shaftesbury, and Wharton should withdraw, was carried by a majority of 53 to 30.* The minority indicates, not the force of the opposition, but the number of lords who would not proceed to extremities. But the motion once carried, no further opposition was made; and the four offending lords having refused to ask pardon for their contempt of the authority and being of the parliament then assembled, were committed to the tower.† This was a twofold triumph: the court struck the opposition with terror, and Danby was relieved from the presence of four able and envenomed adversaries.

Meanwhile, the opposition in the house of commons proceeded with surprising moderation. Three questions were submitted to the house:—whether the king should be addressed to dissolve the parliament? whether all doubt of the legal existence of the parliament should be removed by a vote? whether the fifteen months' recess was a prorogation or an adjournment?‡ The consideration of the matter was protracted by adjournment to three days, at the end of which, the house, by resolving itself into the usual committee on the king's speech, asserted by implication that the session was legal and regular.

A discussion, carried on with languor and timidity,

* Life of James, &c. i. 506.

† Wharton, according to the "Life of James" (i. 507.), offered, when receiving judgment at the bar of the house, to make the apology which he had refused in his place, but was told his repentance came too late. Buckingham withdrew during the debate and secreted himself; but, upon the lords' order that he should appear next day on pain of the seizure of his person, presented himself, and tried to turn the matter into a jest. "I beg your lordships' pardon," said he, "for retiring last night; but you well know the exact economy I keep in my family; and perceiving your lordships' intention that I should be some time in another place, I only went home to set my house in order, and I am now come to submit to your lordships' pleasure."

‡ Ralph has the following note (i. 312) on this subject:—"The longest upon record was one in the reign of queen Elizabeth, which was for three days beyond a year. It is a matter of some astonishment, that, upon this remarkable occasion, it was not observed that the very power which our princes had assumed of proroguing was a novelty with regard to the ancient constitution of parliaments, which had been in this debate alluded to; Henry VIII. being the first who had brought it into practice."

must have been thus prolonged, merely because the commons hardly knew what to do. The body of opposition, variously denominated the country party and the patriots, was now disorganised by corruption. The prevalence of rank bribery was not only asserted and believed without, but denounced within, the house of commons.* Assertion, however confident and credited, without proof or particulars, might be doubted; but evidence curious and conclusive, in this case, has come to light after the lapse of a century. Charles, at the opening of the session, bribed his faithful commons with French money, in the interest of the French king; whilst the Spanish and imperial ambassadors were provided, the one with 50,000 crowns, the other 10,000 pistoles, to buy votes in the interest of the confederates. †

The pretence of religious zeal for the purposes of faction and intrigue kept pace with pecuniary corruption. Danby feared nothing so much as the imputation of favouring popery. His mode of defending himself was, to anticipate the charge by some manifestation of zeal against the Roman catholics. Two bills, introduced under his auspices, were passed by the house of lords; one "for securing the protestant religion by

* A member, according to Marvel, soon after this, stood up, and, in the face of the house, said a multitude of them were bribed or pensioned, which was patiently digested, as a thing to which there was no reply. Marvel, himself a member, classifies them as follows; — those who had beneficial offices under the crown, nearly a third part, one of whom (Hervey, vice chamberlain) made a merit to the king of having come from voting in the house against his conscience; — nearly another third, more malignant and dangerous, the hungry expectants, who, having recommended themselves to the electors by inveighing against the French and the debaucheries of the court, made a feint attack or two on some great minister, were at first a little coy in matters of money, but, when discoursed with in private, were set right, so far as to convert their brethren: "for they are all of them to be bought and sold." To these he adds, as constituting a part of the re-remaining third, members without estates or consciences, the expenses of whose elections were defrayed by the court, for whom tables were kept not only at Whitehall, but at We inster," that they may be ready at hand within call of a question;" who all had pensions, and attended on their pay day so punctually, that a great minister (the lord treasurer Danby) says they came round him like so many jackdaws for cheese. This picture may be overcharged, for Marvel had the malice of a wit; but there must also be much truth, for he was a man of undisputed and rare integrity.

† Despatches of the French envoy, Courtin, cited in Dal. app. 110, 111.— The envoy writes of Charles to his court in a tone of protection, — "Il a si bien servi le roi (Louis)," says he, "jusqu'à cette heure, qu'il mérite d'etre assisté dans ses nécessités."

giving the children of the royal family a protestant education, and prescribing the test of a declaration against transubstantiation to each sovereign on succeeding to the crown;" the other, for the more effectual conviction of popish recusants. The first bill implied the contingency of a Roman catholic on the throne, and enacted as the only penalty of refusing the test, that the patronage of the church annexed to the crown should devolve on the bishops; the second subjected recusancy to a more easy and efficient process, but reduced the penalties against recusants, and changed the punishment of Romish priests and Jesuits from the scaffold to imprisonment for life.

The one bill was vaguely denounced as a masqued compromise between the duke of York and the bishops, who would accept a popish successor upon the condition of his ceding to them, by way of fine for recusancy, the church patronage of the crown. It was read twice, committed by a majority of 127 to 88, and proceeded with no further. The other was rejected with indignation, as offending God by an express toleration of popery, and endangering the protestant religion, by imprisoning instead of executing Romish priests and Jesuits.*

It is to be observed, that the duke of York and his friends opposed with great earnestness the bill, which was supposed to prepare the way for his succession; and that the bill which was scouted by the house of commons, as so favourable to popish recusants, was opposed by some at least of the Roman catholic lords. But, with the scanty records of the proceedings, and in the absence of secret history, the attempt to unravel a tissue of religious intolerance, corrupt faction, and court intrigue, would be hopeless.

This observation is no less applicable to other votes. A supply of 600,000*l.* for building ships was voted early in the session, with surprising facility, and the additional

* "Is this the way," says sir Harbottle Grimstone, master of the rolls, "to prevent popery?" We may as soon make a good fan out of a pig's tail as a good bill out of this."

excise granted for the purposes of the triple alliance, was continued for three years more.

"I believe," says Courtin, writing to Louis XIV. at this period, "I may venture to assure your majesty, that there is not one of your subjects who wishes you more success in all your enterprises than these two princes, Charles and James; but it is no less true, that you can count only on these two friends in all England."* Louis did not count even upon these two. He had probably some confidence in the religious zeal and force of character which distinguished the one brother from the other; but he placed not the slightest reliance on the king. The liberal supplies placed by a parliament, avowedly eager for war with France, at the disposal of a minister hostile to the French connection, accordingly alarmed him. But his apprehensions were soon removed.

The commons made the officers of the exchequer accountable to them only, excluding both the peers † and the lord-treasurer from all participation.

The progress of the French arms now threatened the entire conquest of the Spanish Netherlands; and an address to the king, recommending such alliances as should protect Flanders, and check the power of France, was voted by the house of commons. Charles answered, evasively, that he would use all means consistent with the peace and safety of his kingdom. The commons soon voted a second address, more earnest, with the assurance of adequate supplies if his compliance with their address should involve him in actual war with France. The king's answer was now more explicit: he told them, that he concurred in their views; but they must place him in a situation to follow their advice with safety and dignity. Secretary Coventry explained, that to place the king in a defensive posture by land and sea, would require a supply of 600,000*l.*

* Dal. ii. 116, 117.

† The peers introduced a clause making the receivers and other officers accountable to *both* houses; but the commons peremptorily rejected it, and the lords, at the desire of the king, who was impatient for the supply, abandoned their clause, *salvo jure*.

This intimation of the secretary was discussed with much freedom. He was told that the king's revenue was larger than during the war with Holland and France; that naval forces alone would suffice for the defence of an insular kingdom; that the king had not declared without reserve for the alliances recommended by the house; that some of his ministers were suspected of being under French influence; that when the king should have spoken out, they would support him heart and hand, "without sticking at this or that sum;" and that in the mean time they would add a clause to the additional excise bill, enabling him to raise 200,000*l.* upon the excise.

The court party treated this proposal as made in derision; and Charles, by a message, repeated his demand of 600,000*l.* Without that sum, he declared that he could neither speak nor act in accordance with their addresses. The commons replied, that the house was too much thinned by the approach of Easter to pass so important a resolution.

Whilst they were engaged in preparing an address to this effect, they were unexpectedly summoned to attend the king in the other house, and "had his leave," from the lips of the chancellor, "to adjourn themselves" to the 21st of the following month.*

Charles, in his wrath at these addresses, said to the Spanish agent, Salinas, that "the framers of them could be no better than a company of thieves." The Spaniard made no secret of this expression to his friends in the house of commons, and was in consequence ordered by Charles to quit the kingdom with the Spanish consul Fonseca.†

The solution most obvious, and most commonly received, for this curious game between the house of com-

* This recess was from the 16th of April to the 21st of May. Among the bills to which the king gave the royal assent on this occasion, was one taking away the writ *De hæretico comburendo*, and another for adjudicating differences caused by a dreadful fire in Southwark. "No less than 600 houses," says Ralph, "were burned or blown down, but we do not find that Marvel, or Burnet, or Oldmixon himself, ascribes it to the papists."

† Temple, ii. 401.

mons and the king, is their mutual distrust. The commons would not take the king's word for his joining the confederates against France, and he would not take theirs for a supply.

Another motive has been assigned for the refusal of the commons. It was not the interest of Louis that his stipendiary should receive a parliamentary supply, which might give him a sense of independence, and the means of acting upon it. Accordingly, the French agent, Courtin, after having given Charles French money to buy votes in his own parliament, managed a corrupt intrigue with some members of the opposition on his own account. * If this be true, the mask of patriotism was never worn with more consummate duplicity. The patriots rendered the court odious, and earned popularity by forcing on the king a breach with France; whilst by withholding the supplies, they defeated their own purpose, and earned the wages of the king of France. The tissue of intrigue and corruption was still more complicated. Courtin, all this time (that is, from the 22d of February to the 21st of April), was planning with his own court the way to obtain from Charles, by "a gratification extraordinary," the prorogation or dissolution of the parliament †; and finally arranged between the two kings, that Charles should prorogue the parliament to the end of April (old style), for a bribe of 200,000 livres. ‡ These details are grovelling, but instructive.

That large generation of writers, lay and clerical, of whom it seems the special mission to continue from age to age a perfidious veil between the public eye and the vices of courts and kings, will have it that Charles, had

* Dal. ii. 129. 314. Dalrymple gives no extracts from the despatches of Courtain, with the exception of the names of a few persons to whom he gave money; and the dates given by him in the above references, one being May, the other July 15. Among the names are chevalier (probably sir Henry) Herbert, lord Barker (Berkshire), chevalier Min (possibly sir Thomas Meres miscopied), doctor Carey, a dependant of Shaftesbury, and the ill-fated Coleman.

† Dal. ii. 111.

‡ Id. ibid. 112, 113.

the commons granted him the desired supply, would have gone to war with France. Their chief argument is the influence exercised over him by the lord treasurer Danby, and the decided bias of that minister to the prince of Orange and the confederates. But Danby knew how to bend his principles to his ambition; and one of his dependants states the impression left by a conversation with him in terms homely but expressive,—"that it was all artifice, to get the fingering of money."* It may be safely affirmed, that the commons, however corrupt or factious, had good reason for their distrust.†

Secretary Coventry, in the king's name, reminded the commons, on the reassembling of parliament after the recess, that the chief purpose of their meeting was to consider, or rather comply with, the king's last message for a supply. The reply was, that they expected on their part his majesty's message announcing an alliance with Holland. It was broadly intimated, that without this previous condition, the supply would not be voted. The discussion was adjourned to the next day but one‡; when, upon the speaker's taking the chair, the house was commanded to attend immediately at Whitehall upon the king. He harangued them briefly, and to the point. After adverting to "mistakes and distrusts, as if he had called them together to get money, for other than the professed purposes," he assured them, "on the word of a king," that they should not repent any trust they reposed in him, but that he would hazard neither their safety nor his own until they placed him in a condition to defend his subjects and to offend his enemies.

The commons would not take his "word of a king;" and on their return discussed his speech with great freedom. A member said that Charles, "like Solomon, fell into strange counsels by strange women;"

* Revesby's Memoirs.

† A splendid embassy from France, during the recess, confirmed the general belief that the king had no thought of a breach with Louis. Barillon, whose despatches have thrown so much light on English history from this period to the revolution, came over with it as resident ambassador.

‡ From the 21st to the 23d of May.

alluding, doubtless, to his French mistress, who had by this time supplanted the duchess of Cleveland, and obtained the title of duchess of Portsmouth. Others, with less personality and sounder views of liberty, treated the speech as the minister's, not the king's, and asserted their right to examine it, as royal patents and proclamations were examined in the courts of Westminster. The result was an address counselling, or, as the courtiers termed it, dictating, an alliance with Holland, by a majority of 182 to 142. Charles, upon receiving this address, postponed his answer; commanded the house to attend him at Whitehall the next day but one; rebuked the address as an unprecedented and dangerous invasion of his prerogative of peace and war; and ordered them to adjourn to the 16th of July.

It may be recollected that the house of commons claimed, in the reign of James, and asserted in that of Charles I., the right to adjourn themselves. This pretension was resumed, but in ambiguous terms, by the king, both in person and through the chancellor, since the restoration, and the commons and the nation hitherto submitted. Upon the return of the commons to their house, Powle, a leading member of the opposition, stood up, and was stopped by the speaker, who declared the house adjourned, and sprang out of the chair amidst cries of "Stop the mace!" and "Remember lord Finch!"

The parliament was adjourned, not prorogued, to prevent the liberation of the four lords from the Tower as a matter of right. Three of them, Buckingham, Salisbury, and Wharton, made their submission by humble petition, and were released. Shaftesbury, more resolute, or seeking to render himself popular and the court odious, appeared before the king's bench by *habeas corpus*; argued his right to be liberated on bail; was remanded by the judges, on the ground of their having no jurisdiction in a matter of privilege; and, after some months more, followed the example of his fellow-prisoners.

But the incident of most interest during this recess was the arrival of the prince of Orange, and his marriage with the princess Mary, eldest daughter of the duke of York. His admiration of the princess, and his ardour as a lover, are described by sir William Temple in terms alike false and fulsome. The prince, indifferent as a lover, and brutal as a husband, viewed the marriage as a transaction of mere policy and ambition.

Arlington affected familiarity and influence with the prince, who scarcely disguised his aversion in return, and gave his confidence to sir William Temple and lord Danby.* The prince's object was to gain over the king from Louis XIV. to the confederates; and to effect this he would derive new influence and authority from his marriage. It may also be supposed that one of the most ambitious and sagacious of men, already contemplated in the distance the succession to the crown.†

Charles had no thought of releasing himself from his hireling bondage; but a marriage so popular with the parliament and the nation might end his broils with the house of commons, and thus leave him free to wallow in sensuality or indolence.

The king and his brother were under engagements to Louis XIV. not to permit this marriage, — at least before the conclusion of peace.‡ Charles was a prince who never observed an engagement in his life; James, more faithful to his pledge, more intent upon the French connection, and artfully deluded by Louis XIV. with

* Temple relates, in a tone of malicious satisfaction little creditable to him, the disappointment of Arlington, to whom he had formerly offered the grossest flattery in his letters; and from whom, upon this loss of court favour, the diplomatist transferred his homage to the successful rival, Danby The reputation of Temple, intellectual and moral, appears to be a good deal exaggerated. The flatterer, not only of Arlington, but of Buckingham (see his letters to them, *passim*), must have wanted moral dignity; and the diplomatist, who either was deceived, or pretended to be deceived, by the hypocrisy of Charles II., must have wanted penetration or good faith. The imputation of weakness upon his character may be extended to his virtue, — if, indeed, the one does not necessarily imply the other.

† He was well aware of the projects for the exclusion of James; and, if D'Avaux, the French ambassador in Holland, may be relied on, he actually began to take measures, soon after the peace of Nimeguen, for the execution of his designs on the crown of England.

‡ Dal. app. 119.

the hope of his daughter's marriage with the dauphin *, saw the proposed marriage with the utmost repugnance, and could oppose the paramount natural authority of the father to that of the sovereign.

Louis XIV. beheld with fear every accession to the power or reputation of the prince of Orange. It would seem as if he knew by instinct the person who should one day not only arrest his power, the extent and danger of which were overcharged, but benefit mankind still more by the moral spectacle of a tyrant humbled in his pride. The marriage treaty was, therefore, so studiously concealed from Barillon, that he continued in ignorance of it for nearly three weeks.† He remonstrated with James, who referred him to the king as the sole culprit.

Charles, whether the occasion was one of amusement or business, was to be found in the apartments of the favourite mistress; and Barillon proceeded to the residence of the duchess of Portsmouth. The adroit diplomatist was surpassed in his own arts by the sovereign. He no sooner presented himself than Charles, penetrating his intention, called him into a private cabinet, and, without allowing him time to state his business, communicated to him, in a tone of affected confidence, the intended marriage of the prince of Orange and the princess Mary,—a measure forced on him, he said, by the jealous fears of the whole nation, more particularly since the duke of York had declared himself a Roman catholic.‡

This silenced Barillon; but one obstacle to the marriage still remained. The king, and, with more earnestness, the duke, insisted that the marriage treaty should precede that of peace; whilst the prince of Orange re-

* This delusion was continued since the mission of Colbert de Croissy in 1673, — chiefly through Rouvigny Blancard, private secretary of the latter, says (Dal app. 120.), "J'avois pour lors l'honneur de lui (James) parler quelques fois, et je fus souvent sur le point de le desabuser, parcequ'il amoit le roi de France, et qu'il usoit de bonne foi avec lui pendant qu'il en étoit trompé."

† The negotiation commenced about the beginning of October, and Barillon, in his despatch of the 1st of November (new style), states that "he had information of it from various quarters for the last two days."

‡ Dal. app. 125.

quired precedence for the marriage, "lest it should be said by the confederates that he had made a hard bargain for them, to make a good one for himself."* The perseverance of the prince, the yielding selfishness of the king, and the influence of lord Danby, prevailed over the repugnance of the duke of York. A marriage auspicious to the house of Stuart was announced to the council on the 22d of October, 1677.†

The next question was the settlement of terms of peace to be submitted by Charles in his character of mediator. He could not be brought to join the confederates against France, and the prince agreed to a scheme by which certain frontier towns should be ceded by France as a barrier for the Spanish Netherlands and the Dutch republic. Duras, nephew of Turenne‡ afterwards more known as Lord Feversham, proceeded to France with the proposed basis, and brought back a reply in which resentment was disguised under cover of evasive moderation.

At the same time, the French army took the field, in the height of winter; and Charles saw, from this contempt of his mediation, that his pension would be withheld at the next quarterly day of payment. A selfish spendthrift of his base resources will act with vindictive violence, where a prince worthy of his station would display indignant vigour, and Charles concluded with the States General a treaty directed in spirit, though not in terms, against the king of France. He bound himself by it to assist in forcing upon France and Spain a basis of negotiation, in which the acquiescence of Spain was already declared by the participation of the prince of Orange; and recal the English troops in the service of France.§ Parlia-

* Life of James, &c i 508.

† James, if the compiler from his Memoirs (i 510.) may be relied on, in giving his formal consent at the council table, "said he hoped he had now given a sufficient testimony of his right intentions for the public good, and that people would no more say he designed the altering the government in church or state, for, whatever his opinion in religion might be, all that he desired was, that men might not be molested merely for conscience sake"

‡ James had served under Turenne, and been mentioned by him with distinction. But Turenne was a courtier, as well as a great master of the art of war.

§ Dumont, Corp. Dipl. viii. 341. Puffend. Rer Brand.

ment stood prorogued to April: he commanded the attendance of both houses on the 15th of January. Louis, meanwhile, had expressly withdrawn or suspended Charles's pension, in a tone of hypocritical, if not sneering, regret.*

Louis XIV. combined two great agents in the execution of his designs: first, the resources of a martial people, who regarded him with a besotted admiration; next, corrupt intrigue. Having found pecuniary corruption so long successful with the king, he now resolved to try the spell upon the parliament of England. His recent knowledge of the power of money over its votes could leave him no doubt of success. The only difference was, that he now bribed in his own person, and treated with the leaders of an opposition, which made loud pretensions to independence.

This party, composed originally of the presbyterian refuse of the commonwealth, by this time called Whigs, recruited itself with country gentlemen, who contributed simple minds and silent votes,—a very useful accession, —some few men like lord Russell, whose public virtue and love of freedom, unhappily associated with faculties of a common order, degenerated into a morbid horror of popery, and the duke of York, — and some few republicans, the growth of the commonwealth, with Algernon Sidney at their head.

Money, however, was not an ingredient in the first overture.† The more virtuous and sagacious of the opposition apprehended from the marriage of the prince of Orange such a union between the prince and his two uncles as might prove fatal to the liberty of England. The English republicans, or Algernon Sidney, as their organ, had already treated with the French court, with the avowed view of restoring the commonwealth, and, in common with the Dutch patriots of the school of De Witt, looked upon the growing power of the prince of

* Dal. App. 128.
† See Barillon's account in Dal. App. 131.

Orange as fatal to liberty, both in England and Holland.* Thus the great body of the opposition in parliament had a common interest with Louis XIV. The intrigue was scarcely begun, when the session opened on the 28th of January.

The king, in his opening speech, announced his alliance with Holland, the consequent necessity of increasing the fleet to 90 sail, the army to 30,000 or 40,000 men; suggested the obvious duty of parliament "to grant supplies adequate, not by halves;" and appealed to the marriage of the prince of Orange with his niece as a proof how unjust were the jealousies industriously propagated by the evil spirit of disloyalty or malice.

The ascendant of Danby has been recorded by the king, unconsciously, in his speech. It was but the echo of a letter addressed by the prince of Orange to that minister †;—and yet it is most likely that Charles, in his turn, deceived both.

A surmise pervaded the opposition that the secret purpose of Charles was to obtain money from the commons with one hand for making war, and receive money from Louis with the other for making peace. The intrigues, corrupt or factious, of the opposition leaders with Barillon and Rouvigny — the latter sent over as special envoy — concurred with the distrust of which the king was the object, and the commons appeared to hang back in the matter of supply. The required grant could not be directly refused at a moment when the king seemed to comply with the advice of the commons to their hearts' content; but the offer was neutralised by two conditions, morally impossible, conveyed in an address; first that the king and his allies should not only exclude, but destroy, the cargoes of all trading vessels freighted with goods of French produce and next, that no peace should be made with France

* Holland had no sooner escaped the ruin threatened by Louis XIV, than the Dutch republicans saw themselves exposed to the alternative of the usurping spirit of the house of Orange in the person of the prince, and resumed their bias to France. (See D'Estrades and D'Avaux.)

† Danby's Letters.

upon any basis other than the limits prescribed by the treaty of the Pyrenees. This suggestion is supposed to have been devised by the Spanish ambassador. The supposition, if correct, would deepen by a new shade the spectacle of corrupt intrigue exhibited in the proceedings of this parliament.

Charles expressed once more his displeasure at the invasion of his prerogatives of war, alliance, and commerce by the house of commons, and succeeded in obtaining, by intimidation or influence, the required vote of supply. The ways and means were not yet provided; but this mercenary prince no sooner saw the prospect of a grant from parliament than he applied himself with rapacious duplicity to combine with it his allowance from the king of France. Godolphin,—afterwards a famous minister, now one of the subalterns of Danby, and indebted for the reputation of virtue and capacity as a statesman to party spirit and his prudence,—was despatched to Holland, and Rouvigny sent back to France, with terms of compromise which they should respectively submit to the French king, and the prince of Orange. The chief departure from the terms concerted by the king with the prince, and conveyed to Louis through Duras*, was the cession of Tournay in exchange for Charlemont.

The tone of Louis's reply was civil, but decisively negative. He was now in that career of victory which soon enabled him to dictate the peace of Nimeguen. Ghent and Ypres soon opened their gates to him, whilst he invested Mons and Namur in close siege, and thus held the keys to the Spanish and Dutch low countries.

A sort of palliation is thrown over the vices of the Stuart brothers by the treachery of their servants. The conduct of Danby on this occasion should, however, be received as an instance of the treachery of their whig ministers in only a mitigated form. Danby charged Godolphin with two sets of despatches; one ostensible, in

* Danby's Letters, 346.; Instructions of Godolphin.

the king's name, advising the compromise; the other secret, without the king's knowledge, urging strongly the refusal of any deviation from the terms proposed through Duras to the king of France.* This faithful counsellor intimates to the prince his doubts of the king's real intention to join him against France†, desires an assurance of secrecy and the burning of his letter, and suggests that the prince should return two answers, one confidential, the other such as might be shown to the king. The prince took his advice, and complied in every particular.‡

The recent conquests of the French king, emblazoned by his presence, renewed the popular clamour for immediate war with France. Nothing could more embarrass the leaders of the opposition. They were bound by their intrigue with Barillon to prevent it, and they could not now resist a spirit which had been raised by themselves. They sought to extricate themselves by voting a poll-tax, and urging upon the king an immediate declaration of war,—but trammelled by the conditions which he had already rejected with indignation.

A diversion was attempted at the same time, by an alarm of popery and arbitrary power designed to be established by the military force to be raised under pretence of going to war.

Charles met them with their own arts. He accepted the supply with its distasteful conditions; he even seemed to outrun the pretended zeal of the opposition for war. He sent off 3000 troops to act against the French in Flanders, and issued commissions for raising twenty regiments of 1000 men each, in the course of six weeks.

Barillon and Rouvigny, surprised and alarmed, re-

* Dal. App. 156. Danby's Letters, 197, &c.

† "In case," says he, "his majesty will go fully into the war, which yet they all (the commons) doubt, *and not without cause.*" After stating reasons for his advice, he adds, "From what I have now informed your highness, *and more which I must not say*," &c. What the mystery was, which he dared not trust to Godolphin or to writing, it were vain to guess.

‡ Danby's Letters, 204.

monstrated with Buckingham, Shaftesbury, Russell, and Holles. The despatches of Barillon * lay bare the motive springs of all the parties in a manner well calculated to disenchant mankind of all confidence in kings, princes, ministers, and patriots. The king and the duke of York were now impatient for war with France. † Lord Danby concurred in the same resolution with separate views. The first was actuated by his avidity to get money on any terms; the second, by his hopes of a standing army to be commanded by him in chief ‡, as an instrument for the establishment of the Roman catholic religion, coequal or exclusive §, and of arbitrary power; the third, by his desire to invest Charles with absolute authority, by having money enough to corrupt the house of commons ||, and a military force to overawe the people.

The opposition leaders are sketched by Barillon with keen truth. They could not overcome their misgivings that Louis and Charles got up a mock quarrel for their ruin; a suspicion naturally suggested by the consciousness of their own intrigues. To excuse their tone of hostility to France, they pleaded the necessity of going a certain length in seeming with popular opinion, and the conditions with which they trammelled their resolutions; to prove the good faith with which they sought to defeat the object of their own address to the king, they pressed Louis XIV., through Barillon, to insist upon an immediate declaration of war or peace from Charles, before he should be in a condition to take the field.

Their chief object seems to have been the safety of their persons. They suspected Charles of a design to

* Dal. App. 134, &c. 136, &c. 142.

† See his Letters to the prince of Orange in Dal. App. 144, &c.

‡ Id ibid.

§ Of James, Barillon says, "M. le duc de York se croit perdu pour sa religion, si l'occasion présente ne lui sert à soumettre l'Angleterre." — Whether he designed to make popery exclusive, or place catholics on the same footing with protestants, is a *vexata questio*, upon which it would be premature to offer an opinion.

|| "Le grand trésorier," says Barillon (Dal App. 142.), "a pour but d'avoir de l'argent, et voudroit fort relever l'autorité de son maître."

arrest them, and suggested to Barillon that the king having thus reduced the house of commons to a passive instrument, could command men and money without limit, to march at the head of the nation against France.*

Three of the four leaders, Russell, Holles, and Shaftesbury, shrank from absolutely committing themselves wth the French king, and did not stain their hands with French money; but the fourth, Buckingham, rash and profligate, would plunge at once into a formal engagement with him†, and figures at the head of the long list of Whig leaders who took bribes from Barillon.

Pending this intriguing game of motives and interests, some degrading, none honourable to the parties, Louis had succeeded in relaxing the bonds of the confederacy against him. The Dutch, already sighing for a separate peace, were decided by the capture of Ghent. This place was a key both to Holland and Flanders ‡; and the court of Spain thought it better to capitulate with the conqueror, than run the hazard of losing all dominion in the Low Countries. The emperor, or rather the council of that feeble prince were not disposed to continue a war signalised by defeats of the imperial armies.

The prince of Orange, with his fortitude unshaken, and his purposes unchanged, was obliged to yield.§

The Dutch and Spaniards were now prepared to accept the terms offered some time before by Louis. These were, that of the seven fortresses taken by him in Flanders, five should be restored, and the remaining

* Dal. App. 137.

† Je ne les trouve pas encore disposés," says Barillon, "à prendre des engagemens formels et présens, si ce n'est M. le duc de Bouquingham qui est plus hardi que les autres, et qui croit que leur véritable sûreté depend de ce que votre majesté voudroit faire en leur faveur."

‡ Ghent, for its importance, was strangely unprovided A place hitherto regarded as impregnable, if credit may be given to the braggart narrative of Louis XIV. (Œuvres, &c. 1678), fell after only seven days' siege for want of provisions. The Spanish governor, called by Racine, who attended Louis as historiographer, an old and bearded Castilian, addressed Louis with the pride of his own nation and the brevity of an ancient Spartan: — "I am come to deliver Ghent to your majesty — this is all I have to say to you."

§ Danby's Letters, 214.

two, Valenciennes and Tournay, should be retained. Tournay, the great object of contention, was thus ceded; and the only question remaining was, whether Louis would now adhere to his own terms.*

This contingency was the last hope of the prince of Orange; and he tried to pledge the king conditionally upon it, to an immediate declaration of war. Charles viewed every occurrence under one aspect only,—the use which he might make of it to obtain money. He ordered Danby to write the well-known letter, which will figure in the impeachment of that minister. It was addressed to Montague, ambassador at Paris, as a secret instruction, superseding the official orders despatched to him at the same time by secretary Coventry. Montague in the despatch was instructed merely to feel the pulse of the French king or his ministers, respecting the terms of peace; in the letter, he was charged to propose the terms specifically to the French court with Charles's guarantee, that they should be accepted by the states-general and the court of Madrid, and to solicit a pension of six millions of livres for the next three years as a gratuity for his majesty's mediation, if the terms should be approved.

Louis rejected the proposed terms; said he should retain Ypres and Conde, as well as Tournay and Valenciennes; and told Montague that he had no doubt of satisfying Charles by orders which he should send to Barillon.

Montague, who had long laboured to insinuate or intrude himself into the secret money-treaties between Charles and Louis †, saw the game thus taken out of his hands, with the more bitterness, from an expression used by Louis, hinting plainly that a new money transaction would be immediately begun in London.‡

* "Ainsi," writes the prince of Orange to lord Danby, "voila la paix faite, si la France continue à la vouloir sur ce pied, *de quoi je doute fort.*" — Id. ibid.

† Danby's Letters, &c. 20, 21. 26. 38. 54

‡ "J'envoyerai," says Louis, "mes ordres à Barillon, sur Ypres, et sur *l'autres choses* dont je ne doute point que le roi vôtre maitre ne soit content" upon which Montague observes, in reporting it to Danby: — "This word

A negotiation was begun, accordingly, in about three weeks from the date of Montague's letter.* The king himself selected sir William Temple to treat with Barillon; and, anticipating a refusal, told Temple he could not help seeing the French ambassador, who would call upon him at seven the next morning. Barillon went accordingly, but found Temple obstinately resolved not to enter upon business, on the plea of sudden illness, assumed or real, during the night. Temple immediately retired to his house at Sheen, and sent to the lord treasurer, by his wife, a letter remonstrating against his being charged with a treaty not appertaining to his diplomatic character, and, as he thought, dishonourable to the king.† He at the same time tendered his resignation of his embassy to the congress of Nimeguen, and of the promise of a secretaryship of state which he had from Charles and Danby.

Temple was excused, without, as far as it appears from his own account, provoking the king's displeasure. It is difficult to reconcile the infelicity of this choice with the king's knowledge of men. Pure character was, perhaps, an offence in his eyes, or a disqualification for his service, which it was for his advantage to remove. There are also grounds to suspect that the suggestion was made to the king by Danby, who wished to divide the responsibilities of a transaction so odious and perilous.‡

This criminal and base treaty, or money bargain, was concluded in a few days. Barillon appears to have negotiated it directly with the king, the duke of York, and

autres choses I believe was the money." — Danby's Letters, 82 Montague writes to Danby, that finding the terms refused he said nothing about the money Louis, however, from the hint thus thrown out by him, must have known, or suspected, that Charles had a design upon his purse

* It was dated April 11, and the negotiation, according to Dalrymple, on the authority of Barillon's despatches, was opened in the beginning of May.

† Temple's Works, ii. 436. Such is Temple's account in his Memoirs. There is, however, an ambiguous justification in his letter of 27 Jan. 1679, from the Hague (Danby's Letters, 273.), of this money treaty, which, in his Memoirs, he calls "dishonourable."

‡ Barillon's Despatch, Dal. App. 167.

Danby. It provided that, if the States-general did not agree to the terms of peace offered by France, he should withdraw his troops from Flanders, observe strict neutrality during the continuance of war, disband his army, prorogue parliament for at least four months, and receive from the French king six millions of livres by quarterly payments within the year.

Charles had now an army of 20,000 men, newly levied, and capable of being made an instrument for their purposes by his brother and himself. He resisted the demand to disband the whole, and peremptorily refused to sign any article binding him in express terms to disband the troops, or prorogue the parliament. Barillon consented that 3000 English, then in garrison at at Ostend, should be retained, and devised an expedient, by which the disbanding of the troops, and the dissolution of parliament, were secured under the treaty without an express provision. It was provided, by an article signed only by Barillon, that the payment to Charles was not to commence until after both should have taken place.*

From this resistance it may be inferred that Charles, though base enough to sell in fact for money to a foreign prince the prerogatives of his crown, and his obligations as king, yet shrank from the form of signing his own shame.† The treaty bears date the 27th of May, and is signed only by the king and Barillon.‡

Meanwhile the game of distrust, faction, and duplicity continued between the house of commons and the king. The commons by a formal vote, aimed chiefly

* Despatch of Barillon, Dal. App. 165.

† Sir William Temple says (II. 436.), "he was told by a good hand the king conceived such an indignation against one article of the private treaty proposed by Monsieur Barillon, that he said he would never forget it whilst he lived," and stops there. Swift, in his Memoir of Temple, says the offensive condition was, "that Charles should never maintain above 8000 men in the three kingdoms;" upon which the king cried in a rage, "Cod's fish! does my brother of France think to serve me thus? Are all his promises to make me absolute master of my people come to this? Or does he think it a thing to be done with 8000 men?" It is obvious that the true, or rather the precise, cause of his displeasure is that stated in the despatch of Barillon.

‡ "Le roi lui-meme," says Barillon, "signera le traité. Aucun de ses sujets n'est assez hardi pour l'oser faire." — Dal. App. 157.

at the lord treasurer, charged popery upon the king's advisers, and in an address to himself, communicated to him a vote of censure which they had passed upon his alliance with Holland. Charles, in answer, said their address was extravagant*, and prorogued the parliament for the short period of ten days. The king hoped to reduce the strength of the opposition by intrigue and bribery during the recess. He was disappointed. The chiefs of the party, now leagued with the French court, retained their majority. They were defeated by the court upon the first trying question, at the opening of the session on the 23d of May, but soon rallied; and carried a vote calling upon the king to join the confederates against France, with the offer of the support of the commons—but with an intimation, that if he did not comply, the house would take speedy measures for disbanding the army.

Charles, secretly bound by his money compact to keep terms with France, had already intimated in his opening speech, and now repeated by message†, to the commons, that peace might be forced upon him by the States-general; but said it would be imprudent to dismiss the army or the fleet until the conclusion of a general peace; and added a demand of money for their subsistence.

Whether this degraded prince designed to continue the army embodied as an instrument to enslave the English people to his own and his brother's will, and thought he might bring Louis to consent to this deviation from their compact, for the sake of the end,—or whether he merely sought to prolong its existence as a pretext for obtaining supplies—was a disputed question at the time, and remains unsettled to this day, when it is mainly devoid of interest.

It is, again, matter of dispute, whether the leaders of the opposition really suspected, or only affected to suspect him of designing to maintain, and govern by

* Sir Thomas Webster's Papers, cited in Ralph, i. 359

† The votes were presented to the king by order of the house in their original form, not in that of an address—possibly because so many of their addresses had been rebuked by him.

a standing army, and sought to bring him powerless to their feet, ruin Danby, and carry by storm the great offices of the court and government. Good faith and simplicity, corrupt ambition and violent party spirit, were blended in the house of commons; but viewing the spirit of its measures and the character of its chief leaders, it may not be rash to suggest that the worse elements predominated.

A third question was raised,—whether the king and the duke of York ever really designed going to war with France. It is difficult to reconcile the affirmative with the historic disclosures of the last century; and the admission would do little, indeed nothing, to relieve the baseness of Charles. The alternative with him was, the amount or payment of his wages from the king of France,—not the interests or honour of his people.*

The commons, having discussed the message above cited, came to a resolution that all the forces raised since the 29th of the preceding September, that is to say, the new levies for a French war, should be disbanded and paid off; granted 200,000*l.* for the payment of the army, and an equal supply for that of the navy; and voted that, during that session, no motion should be admitted for a further supply. Upon the last resolution the division ran close. The court was defeated on the previous question by a majority only of six; on the main question, of nine; 317 members being present.

These divisions encouraged the court. Charles having summoned the commons to attend him in the house of lords, addressed them, without rebuke or menace, upon the wants of the public service and his own, and desired the settlement of his revenue for life as it stood at the preceding Christmas, with an additional supply

* The state of England, between the factions or corrupt intrigues of the opposition, and the infamous money treaties of the king with Louis XIV., was at this period truly humiliating. Barillon tells his master (Dal App. 156) he may order things at his will and pleasure in England. "Il sera mal aise," says he, "de se defendre ici de ce que vôtre majesté désirera." It was yet the fashion at this time, in the house of commons, to call the period of the commonwealth "evil times"

of 300,000*l.* a year. The commons rejected the king's desire without dividing upon it. It would appear that the courtiers would not hazard a division which might expose their weakness.

Charles still contrived to retard the disbanding of the troops with a pertinacity which might be more suspicious if the occasion did not warrant him. Sir Leoline Jenkins wrote from Nimeguen, that Louis XIV. refused to evacuate the Flemish fortresses which he had agreed to restore, until satisfaction should be made in the North to the king of Sweden, his ally. This message, first sent to the lords, was transmitted by them to the commons with their lordships' sanction, and their request for a conference. The commons, by way of reply, reminded them of the supply bill sent up to them, for disbanding and paying off the army. The lords, as servile as the opposition could have been factious, attempted by chicanery what they had failed to effect by persuasion, and made alterations in the supply bill which were rejected as a breach of privilege by the commons. Several conferences followed; delay, the only object, was obtained. The commons, having asserted by a vote their *exclusive* right to *originate, direct, limit,* and *appropriate* all supplies, put an end to the dispute by a new bill consolidating the previous grants in a general supply of 619,000*l.*; and on the 15th of July the parliament was prorogued.

It has been observed that the inclination of the States-general to a separate peace with France disclosed itself, so as no longer to be mistaken, upon the capture of Ghent. Louis addressed to them a conciliatory letter*; and they informed him, in reply, that Van Beverning should be sent as envoy extraordinary to him at his head quarters at Wetteren, on the right bank of the Scheldt.† That minister accordingly pro-

* Œuvres de Louis XIV. iv. 163.

† This letter is grossly falsified, out of mere pompous vanity, by Louis XIV. (*ut suprà*). "Les Hollandais," says he, "me firent savoir qu'ils m'enverroient des *ambassadeurs pour recevoir mes ordres et s'y conformer.*" There is another expression (ibid. 165.) used by this pampered creature of court

ceeded to the French camp, and concluded with Louis an armistice of six weeks, to allow the time requisite for settling the terms of a general peace.

The negotiations at Nimeguen seemed about to end in peace, when a question or observation of the Spanish envoy led to the declaration that Louis would not restore the fortresses without previous satisfaction to Sweden, and to the message of Charles, above cited, for putting off the disbanding of the troops. Charles, however discouraged by the commons, assumed a tone the most warlike. His brother James declared, in council, that Louis XIV. aspired to universal conquest, and the king alone could arrest his career. Four thousand troops more were sent to Flanders, under the command of the gallant lord Ossory; and sir William Temple, despatched by the king to the Hague, concluded with the States-general in six days, as he had negotiated the triple league in five, a treaty to make joint war upon the king of France, if he did not abandon his pretensions in favour of Sweden.

The conduct of Charles, in this instance, must appear surprising or enigmatical; and there are French and English writers, even of the present day, who suppose that he really resented the arrogance of Louis, and could not resist the appeals made to him by the confederates.* But it would appear that on occasions when he seemed to display some spirit, he really acted with the most accomplished baseness which signalised any action of his life. Those writers, who have treated his reign with freedom before the first exhumation of the correspondence of Barillon, could not bring themselves to think him sincere, and ascribed his conduct to the conditions indirectly forced upon him in the last

flattery, which one scarcely knows whether to regard with disgust or pity:— "Le bien public," says he, "se joignant *à la gloire de me vaincre moi-même* l'emporta sur l'avantage que je pourrais espérer de la guerre"— Ibid. 163.

* Mazure, Histoire de la Revolution de 1688. Lingard, History of England, *sub ann.* 1678.

money compact by Barillon. But that compact is dated the 27th of May, whilst the king's message bears the date of June 20th, and the letter of sir Leoline Jenkins, that of June 15th. The true key to his conduct is furnished by the despatches of Barillon. That minister warned his court that the object of Charles was to obtain more money*, and in point of fact he sent lord Sunderland "to negotiate with the French court a compromise respecting Sweden†," in other words, to dissolve the alliance made by Temple.

This treacherous intrigue of Charles with Louis came to the knowledge of the States-general through a Swedish agent named De Cross, who disclosed instructions of which he was the bearer from Charles to Temple; and their ministers at Nimeguen signed a separate peace with France.‡ The French envoys held out to the last moment in favour of Sweden, and yielded when the armistice was within a few hours of expiring. The Dutch commissioners must have signed without Spain, or hostilities must have recommenced. War does not appear to have been the object of Louis. He sought to divide the confederacy because separate treaties were more advantageous to him.

From the long protracted refusal of the French king, Europe expected the renewal of hostilities, and in point

* Dal App. 177, 178.

† Barillon in Dal. App 178. Temple's Works, ii. 445. "Je suis persuadé," says Barillon, "que toutes les demonstrations de guerre qui se font ici se termineront par un traité, si votre majesté veut *donner des subsides* pour faire agir l'Angleterre *en faveur de la Suede*" It is most likely, too, that De Cross, a Swedish agent in the pay of Barillon, who used his knowledge of a despatch brought by him from England to Temple, as the means of thwarting that minister and neutralising the treaty just concluded by him, was charged with the commission by Charles for the very purpose. See also the project of a treaty proposed by Lord St. Albans to Louis, on the part of Charles, offering to join Louis in favour of Sweden for a sum of money. (Dal. App. 178). Sir John Reresby, who, from an opposition patriot became a creature of Danby, says, in his Memoirs (*sub ann* 1678), he had often seen the king, the duke of York, and Barillon, laughing at those who believed it (the French war) in earnest, in the apartments of the duchess of Portsmouth According to M Mazure, Hist. de la Rev. de 1688, *sub ann.* 1678, he asked fourteen millions, whether crowns or livres he does not state.

‡ Louis himself informed them of the intrigues and duplicity of Charles, according to M. Mazure *ut sup.* Mem, (See Memoir of French Ambassador,) and Resolution of States-general, in Basnage, ii. 930.

of fact a memorable battle was fought, immediately after the signature of the treaty at Nimeguen, between the prince of Orange and the duke of Luxembourg, under the walls of Mons. That fortress was besieged by the French, and it was of the last consequence to the confederates that it should not fall. The treaty between Holland and France was signed on the 10th of August; and on the 14th, the prince of Orange attacked Luxembourg before Mons by surprise. The prince, the duke of Villahermosa, and lord Ossory with his 4000 English, attacked with impetuosity, fought bravely for several hours, and forced some positions of the enemy; but the French rallied, and the combatants were separated by the night, with great slaughter on both sides.

This battle gave new lustre to the military reputation of the prince of Orange, but has been usually regarded as a stain upon his moral character. It is maintained that he knew, and must have known, the signature of the treaty of Nimeguen, after a lapse of four days, and that the slaughter of five thousand men, without use or end, was an inhuman sacrifice to his ambition. Let it be assumed, that he must have been in possession of a fact known to Luxembourg*; but be it remembered, that the treaty was signed under circumstances which rendered the ratification by the states not only doubtful, but improbable, and that, looking upon the terms as most disadvantageous and perilous to Holland, as well as to her allies, he struck a blow, the success of which might renew the war at a moment when the signature of the treaty could be disavowed without breach of faith. Uniting the characters, he was not only warranted, but bound, to combine the views of a captain and a statesman; with this advantage on his side, that, unlike the politicians of the council table and the cabinet, he freely

* It is twice asserted in the "Life of James," but whether by the king or the compiler is doubtful, that he had an authentic copy of the treaty in his pocket before the attack (Life, &c. 498 511.); and Louis XIV. says, or is made to say (Œuv. iv. 171.), that the prince had notice of the signature of the treaty.

shared in his person the hazards of his counsels.* The suppostion, often made, of his having been actuated by "spite" or "vanity," is unproved and inconsistent. A man of comprehensive views, great purposes, and the most passionless temperament, was not carried away by vainglory or mere vengeance. Partisan writers, and admirers of this celebrated party leader, vindicate, or rather palliate, with artful moderation, the attack of Mons, as if that were the only stain upon his life†, whilst even the most eminent of them for frankness and genius‡ avoid or slur over his dark relation to the massacre of the De Witts.

Charles, after the signature of the treaty, continued his tergiversations or intrigues with a duplicity hitherto unexplained, and perhaps inexplicable. He called upon the states to withhold their ratification, and join him in declaring war upon France.§ His envoy on this occasion|| surprised Temple by his arrival, and still more by his mission; and the prince of Orange, so little prone to wonder, or any other emotion, held up his hands in astonishment.¶

* Sir William Temple says, the prince proceeded to the relief of Mons, with the resolution to succeed or die, and Overkerke saved his life in the thick of the action by laying a French officer dead at his feet

† The prince's denial, "before God," of all knowledge of the signature of the treaty until the day after the battle, in his letter to the pensionary Fagel, published in the original Dutch by Basnage more than a century back, has been strangely overlooked by both his advocates and accusers.

‡ See the Hist. Fragment of the late Mr. Fox. Int. chap. 29, 30.

§ Temple, II. 461.

|| Hyde, second son of lord Clarendon, and afterwards earl of Rochester.

¶ The following is Temple's account His solution of the king's conduct has been questioned by doctor Lingard, upon reasonable, if not conclusive, grounds, by reference to dates (Hist. of England, sub ann. 1678). "After a short audience Mr. Hyde went to the princess, and left me alone with the prince, who, as soon as he was gone, lifted up his hands two or three times, and said, 'Was ever anything so hot and so cold as this court of yours? Will the king, that is so often at sea, never learn a word that I shall never forget since my last passage, when, in a great storm, the captain was all night crying out to the man at the helm, Steady, steady, steady? If this despatch had come twenty days ago, it had changed the face of affairs of Christendom; and the war might have been carried on till France had yielded to the treaty of the Pyrenees, and left the world in quiet for the rest of our lives: as it comes now, it will have no effect at all. At least, this is my opinion, though I would not say so to Mr. Hyde.' After this, he asked me what I could imagine was at the bottom of this new heat in our court, and what could make it break out so *mal à propos* after the dissatisfaction they had expressed upon the late treaty when it was first sent over, and the despatch of De Cross, so con-

The intrigues of Charles recoiled upon him in the point, where alone he was sensitive. Upon applying for payment of the first instalment of his wages, he was told by Barillon that he had not performed the conditions, and should receive nothing; upon which the king and Danby, like losing gamesters, "were enraged at the loss of the money by their own imprudence." *

The States General withheld their ratification, until such terms as should include the Spaniards were conceded by Louis; the treaty with Spain was accordingly signed on the 20th of September (N. S.), and in some weeks after, peace was restored through Europe by a treaty between the king of France and the emperor.

The pride and power of Louis XIV. had now reached their highest pitch. The difference, however, between the terms which he now yielded to Holland, and those so imperiously dictated by him to the republic six years before, were calculated to mortify him deeply. He restored Maestricht to the Dutch; he restored to the Spaniards the strong places which served as a barrier to the united provinces, as Courtray, Charleroi, Oudenarde, Ath, Lembourg, and Ghent; he concluded with the states a separate treaty of navigation and commerce, which placed both nations on a perfect footing of equality but he stripped the Spaniards of fifteen towns, which with their dependencies constituted a large portion of the territory of Flanders; and of the whole province of Franche-Comte he usurped Lorraine, upon the refusal of the duke to accept it on terms at once insecure and degrading; he took from the emperor the strong place of

trary to the design of it. I told him, very truly, that I was perfectly ignorant of the whole matter, and could give no guess at the motions of it; and so I continued till some months after, when I was advised that the business of the plot, which has since made so great noise in the world, was just then breaking out, and that the court, to avoid the consequences that it might have upon the ill humour of the parliament, which seemed to rise chiefly from the peace, his majesty resolved to give them the satisfaction they had so long desired, of entering into the war: which is all the account I can give of this counsel or resolution. — *Temple's Works*, v. 2. 462, 463.

* Dal. App. 181. His commissioners at Nimeguen did not sign the treaty, and the states took his place of mediator.

Fribourg; he compelled the king of Denmark and the elector of Brandenburg to restore their conquests and make commercial reparation to the king of Sweden.

Not only political declaimers, but philosophic historians, as Hume, have supposed that Louis XIV. aspired henceforth, at least for some years, to an universal or European monarchy. This seems exaggeration, if not error. The importance of his conquests is disproportioned to it. His military operations during the war, and his demands at Cologne, disclose his real design, — to humble both branches of the house of Burgundy; in which he but followed up the policy of Richelieu. If a monarch, whose self-esteem was swollen to disease by court flattery*, conceived the project, some trace of it would appear in those military memoirs, bearing his name, which present, with an extravagance at once faithful and burlesque, the traits of his vainglorious character.

* La flatterie avait exalté Louis XIV. au point que'elle était devenue pour lui un besoin de première nécessité, et que sans y prendre garde il ne perdait aucune occasion de s'aduler lui-même. Il n'est donc pas surprenant qu'on l'ait entendu chanter les prologues d'operas composés à sa louange par Quinault. — *Note of the editor, Œuv. de Louis XIV.* iv. 145.

CHAP. VII.

1678—1679.

THE POPISH PLOT. — DISCLOSED TO THE KING. — OATES'S NARRATIVE. — JESUITS SEIZED. — COLEMAN'S INTRIGUES. — SIR EDMONDBURY GODFREY.—HIS MYSTERIOUS DEATH.— CONDUCT OF LORDS SHAFTESBURY AND DANBY.—FIVE ROMAN CATHOLIC PEERS SENT TO THE TOWER. — EXAMINATION OF COLEMAN. — FUNERAL OF GODFREY. — BEDLOE. — ROMAN CATHOLIC LORDS DISABLED FROM SITTING IN PARLIAMENT. — PROVISION TO EXCEPT THE DUKE OF YORK.—THE QUEEN ACCUSED.—EXECUTION OF COLEMAN AND THREE JESUITS FOR THE PLOT. — OF HILL, GREEN, AND BERRY, FOR THE MURDER OF SIR E. GODFREY. — QUESTIONED ORIGIN OF THE POPISH PLOT. — CORRUPT INTRIGUE OF MONTAGUE.—IMPEACHMENT OF DANBY.—HIS DEFENCE. — DISSOLUTION AND CHARACTER OF THE SECOND, OR PENSIONARY, PARLIAMENT OF CHARLES II. — LIST OF THE WHIGS WHO TOOK MONEY FROM LOUIS XIV.

It seems to be in the nature of religious crimes to propagate the race. If the stupendous wickedness of the gunpowder treason had not filled the imagination of protestants with horror of popery, catholics probably would not have to remind them of the memorable atrocity miscalled the popish plot. The monstrous romance and infamous life of Titus Oates have been treated so often and so copiously, that a very brief notice will here suffice. 1678

On the 12th of August the king, whilst walking in St. James's Park, was abruptly warned by a person named Kirkby* that his life was in danger, that he might be shot in that very walk, and that he should "keep within the company." Charles desired Kirkby to meet him at

* He is called by some, "a gentleman of an old cavalier race;" by others a chemist employed in the king's laboratory.

the house of Chiffinch. In the interview he informed the king, that two persons named Grove and Pickering, and the queen's physician, sir George Wakeman, were engaged—the two former to shoot—the latter to poison him; and that a friend from whom he had his information was ready to disclose the whole in writing. This friend was doctor Tonge, a divine of mean understanding, half visionary, half knave.

Tonge delivered a sketch of the plot in forty three articles to the king, who referred the two informers and the narrative to the treasurer. The divine, in answer to lord Danby, said the papers were copies made by himself from the originals, which had been thrust under his door, "he knew not by whom, but guessed." Danby proceeded to the king, and proposed that the two alleged assassins should be apprehended; but Charles, who believed the whole an imposture, and probably suspected the motives of Danby, desired that the matter should not be mentioned, even to the duke of York; "meanwhile he should be careful of himself." His incredulity was confirmed by the non-appearance of the two assassins at Windsor, on a certain day confidently named by the divine, who accounted for this disappointment by frivolous pretences.

No original papers were yet produced, and the treasurer pointed out this defect of proof to the informer. Tonge undertook to supply it, and soon gave notice that letters relating to the plot would on a certain day arrive by the Windsor post, addressed to a priest named Bedingfield, one of the duke's chaplains. Danby came with his information to the king, but found that he was too late to intercept the letters, which Bedingfield himself had received a few hours before, and placed in the hands of the duke of York as forgeries devised for some bad purpose.

Charles, with his characteristic penetration, not only saw the internal evidence of fabrication in the illiterate style and false spelling of the letters, but recollected that the writing resembled that of the papers placed in his

hands by Tonge. He extorted from Danby a reluctant admission that the whole affair was a gross imposture *, of which the further prosecution would only cause a groundless and mischievous alarm. This abominable drama would probably have proceeded no farther, if James, with the fatality which attended him through his life, had not insisted, for his own sake and his chaplain's, that the letters should be laid before the council.

Doctor Tonge meanwhile had met the person who, as he rightly "guessed," had thrust the papers under his door; — and Titus Oates, the chief actor, now comes on the stage.

Oates, the son of an anabaptist preacher, who had conformed to the church of England, was himself brought up and ordained in that church. After passing for some years an obscure but restless life, marked by some adventures, of which his conviction at one time of perjury, and at another of blasphemy, were the least infamous, he declared himself a Roman catholic; and was recommended to the duke of Norfolk; who handed him over for instruction in his new faith, to another convert priest named Hutchinson.† He was next recommended to a jesuit college in Spain, whence he was expelled. He then contrived to be admitted into the jesuit college at St. Omer, whence he was also expelled. Having gone through this preparatory course, arranged, it is supposed, between him and doctor Tonge, as necessary for the part which he was to sustain, he made his grand discovery of the popish plot.

Oates adopted the forty-three articles given in by Tonge; swelled the number to eighty-one; and finding that both the king and the treasurer appeared to set no value upon his informations, proceeded with his accomplice Tonge, and their dupe Kirkby, to have them sworn before sir Edmonsbury Godfrey.

* James, or his biographer, suggests (Life, &c. i 318) that Danby's object was to postpone the disclosure of the plot until the meeting of parliament, and then use it as a diversion in his own favour.

† Hutchinson relapsed from a jesuit to protestantism, again became a catholic, and died, it was said, of no religion.

Tonge was now summoned before the council, but declined giving any explanation *, in order to prepare the way for the appearance of Oates.

That prodigious miscreant was in attendance, dressed for the occasion in his clerical robes. He spoke or read his narrative, setting forth that a design was concerted between the jesuits and papists in the three kingdoms, France, and Spain, to kill the king, set fire to London, re-establish popery, raise an army by commissions from the *general* of the jesuits, place the duke of York on the throne, and, if he proved refractory, put him also to death; that for himself he never ceased to be a sound protestant, and merely assumed the mask of popery, to discover the designs of papists; that he was employed on missions, and charged with letters relating to the plot between England, France, and Spain; that in May 1678, he was admitted to a secret conclave of jesuits, at a public house in the Strand; that the conclave was divided into six sub-consults, pledged to assassinate the king.†

* This man, who was so eager to proceed, had the effrontery to tell the council the disclosure was premature, and, when reminded that the papists might meanwhile kill the king, answered with still more impudence, that care should be taken to watch and prevent them.

† Oates, it is known, afterwards published his "Narrative of the Horrid Plot, &c.," with a dedication to the king. The main features are so faithfully preserved in the following abstract by Ralph, that it may at least gratify the curiosity of the reader. "Father le Shee, the French king's confessor, had lodged 10,000*l.* in the hands of Worsley, a goldsmith in London, for killing the king; *Art.* 9. Just the same sum promised for doing the job by a Spanish provincial of the jesuits in New Castile; 8. The king of France to land an army in Ireland, and 40,000 black bills provided for arming the Irish catholics; 11. The duke of York was to be killed, if he did not answer expectation; 13. 16. 29. 60. One Honest William, and one Pickering, were appointed to shoot the king in St. James's Park; but the flint of Pickering's pistol was loose; so he deferred it to another time: and Pickering was to have 30,000 masses for his soul; 19. It appears elsewhere, that the other, who was one Grove, was to have ---- and ---- masses, which at 1*s* per mass, came to near that sum. The duke of York was to be sounded about the business; 23. There was to be a rising of 25,000 horse and foot in Ireland, to let in the French; and divers had taken commissions of war from the general of the jesuits (father Oliva), at Rome, by virtue of the pope's bull, 27. A general consult of the jesuits at the White Horse Tavern in May 1678, divided into five or six sub-consults, for killing the king, and Oates carried tickets of resolves from company to company, 28. The author that translated the jesuits's morals, Dr. Tonge, Dr. Stillingfleet, and the author of the Synopsis, Mr. Pool, were to be killed; 30. Sir George Wakeman (the queen's physician), was to have the 10,000*l.* in Worsley's hands, if he would undertake to poison the king; 33. If he refused that, he was to have

It seems difficult to conceive the absence of bad faith and sinister influence in the council, whose proceedings would otherwise appear as marvellously devoid of reason, as Oates's statement of probability.* Danby's motives for diverting the mind of parliament from himself will presently appear. Some perhaps were startled or amazed out of their wits. Parts of the Windsor letters were presented to Oates; he instantly told the signature to each, declaring that he knew the hands of the writers well: and the council wondered and believed. The seized papers, and genuine writing of Ireland, Fenwick, and Blundel, three of the jesuits, whose names were mis-

5000*l* more, to make the work sure; 37 39. The 34th gives the process of firing London, for the sake of plunder; the charge whereof came to 14,000*l*. There were, it seems, 86 firemen, and 700 fire-balls to be employed; and in the confusion of that, the king was to be killed; but he appeared so industrious, they could not find in their hearts to do it then About these affairs, it cost the jesuits 4000*l*. in intelligence; 41. Father le Shee had a lurking intelligencer, one Smith, that Coleman, the duke's secretary, used to assist, as he was told, 44. Wakeman was to have his full 15,000*l*. for his work; but, for all that, Pickering was to go on; 46. Grove and Pickering fired Southwark; and had 1000*l*. for it; 49. The duke of Ormond to be cut off, and a mâss or two, for the prosperity of the jesuits in it; 50. 63. It was said by a jesuit, that the catholics might well rise and cut 100,000 protestants' throats, 53. If the king did not become R. C. (Roman catholic), he could not long continue C. R (Charles Rex); 55. The prior of the Benedictines agreed to furnish 6000*l*. in order to the design, 60. Oates was urged to shoot the king; but he durst not let off a gun. Then a Benedictine monk was to do it; and a wager of 100*l*. was laid, and stakes made that the king should eat no more Christmas pyes; 60. The Dominicans alledged poverty, and could not advance money towards killing the king, but would contribute prayers, &c. 61. Pickering's fellow-assassin had a sore throat, and durst not go by water to Windsor, for fear of a cold, which might disable him for service; 62. Dr. Fogarthy said, Coleman was at the consult when Wakeman was agreed with, and he said he had hired four ruffians to observe the king's postures at Windsor; 64. The jesuits sent 80*l*. to bear the charge of these ruffians, with instructions for their behaviour; 66. Conners showed a deadly dagger which cost. 10*s*. not dear for the work it was to do, for it was to kill the king, 68. He had done it sooner, but his horse fell lame, and he had got a sciatica; 68 A paper model was made for the firing London, and an architectonical scheme, showing where to begin, and go on, as the wind should serve; and Oates had a post assigned him, as an encourager of a parcel of firemen; and was to have 1000*l* This project was signed by the provincial; 71. The pope, by bull, filled up the preferments in the English church, and the list is added; 72. In Scotland, 8000 Scotch catholics, when the business grew hot, were to join; 73. White, the provincial, suspected Oates for a discoverer, and basted him; but seeming reconciled, Oates evesdropped somewhat worse to happen; so ran away. It seems he was to be tortured, and sent beyond sea, and another fire-encourager was put in his place; and he overheard they intended to torment him, to make him confess his accomplices; 79. A list of lay-officers under the plot, by commission from father Oliva; so also of the conspirators."—*Ralph*. i. 385-6.

* See the abstract in the preceding note.

written as signatures to the letters, were produced. They bore not the most distant likeness to the Windsor letters. The inference was obvious and conclusive, that Oates was able to assign to each of the letters its proper signature, because they were fabricated by himself; but Oates promptly answered, that disguised hands and false spelling were common artifices of the jesuits.*

Oates said, that he had conferences on the plot in France with the French king's confessor, father La Chaise, and in Spain, with don John of Austria, in whose presence he saw counted out in gold, the bribe of sir George Wakeman, to poison the king. He knew so little of La Chaise even by name, that he called him La Shee, and this alone should have suggested doubts of his credit. But his self-conviction of imposture was still more glaring. Being asked where he had met La Chaise, his reply was, "in the jesuit's house, just by the king's house †," the fact being, that the jesuits had no college within a mile of the Louvre. The king, who had often seen don John, asked Oates to describe his person; Oates drew on the instant a fancy portrait, not unlike Don Quixote, meagre, tall, and dark, of a man really short, fat, and of fair complexion.

Charles, who was present, does not appear to have exposed Oates before the council from his own knowledge,

* James's account of the popish plot is extracted from the memoirs by the compiler of the life. He makes the following just and pointed remarks on this part of it. "Sir William Jones, tho' afterwards so violent a prosecutor of the plot, being then attorney-general, and sir Robert Southwell, one of the clarkes of the council, tould the duke, upon comparison of the narrative and letters, they were perswaded Oates writ every one of them himself; and their never producing any of them at the tryalls afterwards, was a demonstration they looked upon them as forged peapers, that would have made against them; and it was a great omission in those who were accused, that they made not more use of them themselves; for all the five letters (besides what has been savd), were full of false spelling, neither point, comma, nor marke of distinction in them, which had not the air of coming from men of business, and as to Oates' pretence, that it was a common artifice among the jesuits to write in that manner to avoid suspicion, and thought that a few faults in the writing would hide it; who can imagine, that five persons in different places and even different nations, should agree to write their own names false (as they were in the letters), and false the same way; should write the same false English, and writ upon paper that had the same marke and same size; to agree in the same cant and affectation, which upon examination, was found all to to be so? Nothing less than an inspiration could work this miracle." —*Life of James*, i. 519.

† Life of James, i. 520.

as he might have done*; he was doubtless restrained by the selfish fear of exposing himself to a cry of popery, which would trouble the course of his indolent or sensual life.

Oates was asked, whether he, the trusted agent of the jesuits, could produce any documents in confirmation of his statement. He replied, that he should be furnished with ample documents, if the persons whom he had named were immediately arrested. The council issued their warrants accordingly; several persons were seized; and Oates was lodged at Whitehall, under the king's protection.

Charles, meanwhile, leaving the council to prosecute a plot which he knew to be a chimæra, went to amuse himself at Newmarket races.

Among the persons denounced by Oates was Coleman, secretary to the duchess of York, a convert from protestantism, and busy intriguer, who corresponded secretly with the French court, and was in the pay of Barillon. † Sir Edmondbury Godfrey finding Coleman's name in the informations of Oates, apprised him of his danger, — either out of personal regard to Coleman, or from his relation to the duke of York,—and was rebuked and threatened for his interference. ‡ Coleman, according to bishop Burnet's account §, immediately burned his papers, with the exception of a drawer which he forgot, though it contained his correspondence for the last and most critical years. Danby, with the intention, it is supposed, of compromising Barillon ||, now leagued with his enemies, ordered the immediate seizure of Coleman's papers. Upon this Coleman secreted himself, but trusting that he had removed such papers as would compromise him, or upon some other ground of safety, soon voluntarily surrendered himself.

* See Life of James, *ut supra*. † Dal. App. 200, 201.

‡ North's Examen, &c. On the authority, it is supposed, of his brother, the lord keeper.

§ Burnet gives a very full and circumstantial account of the popish plot, of which he says he was particularly informed. He states that Tonge applied first to him, with the story of a poniard bought by a monk to kill the king, but received no credit from him.

|| Dal. App. 198.

Oates's denunciation of Coleman was general and vague. It further appeared from Coleman's papers, that in the years 1675 and 1676 he was in correspondence with father La Chaise*, and asked him for money, to be employed for a purpose the success of which "would give the greatest blow to the protestant religion it had received since its birth." "We have," said he in his second letter, not dated, but referring to the former, so as to prove it written shortly after, "we have here a mighty work upon our hands, no less than the conversion of three kingdoms, and by that, perhaps, the utter subduing a pestilent heresy which has domineered over a great part of this northern world a long time. There never were such hopes of success, since the death of our queen Mary, as now, in our days, when God has given us a prince who is become, I may say by miracle, zealous of being the author and instrument of so glorious a work."

These expressions, suspicious and alarming in themselves, but garbled and perverted from their purpose, and noised abroad with perfidious exaggerations, filled the kingdom with a panic terror and ferocious thirst of blood. The ferment is described by contemporary writers† as unimaginable to all but those who witnessed it. "It seemed," says one writer, "as if the very cabinet of hell had been laid open. . . . One might have denied Christ with less contest than the plot." "He," says another, "that could not swallow absurdities, reconcile contradictions, and believe impossibilities, was an enemy of the protestant religion, a papist, or popishly affected. He that questioned the least tittle of the most monstrous fictions was a concealer of the plot, and a defamer of the king's evidence. It was less criminal to doubt all the articles of Christianity than one article of the plot; and to deny the Saviour of the world than *the saver of the nation.*" Such was now the designation of Oates.

* First letter, dated 29, Sep. 1675.

† Reresby's Memoirs. North's Examen. Caveat against the Whigs, part ii. Lestrange, Brief Hist. part iii. *sub ann.* 1678.

The expressions above cited from Coleman's letters, when read with the context, prove him not a traitor or plotter, but simply an intriguer. The sum he solicited was 20,000*l.*; the purpose, stated expressly and at large, was the restoration of the duke of York to his offices, with the establishment of liberty of conscience, "by which the catholics would be at ease;" and the French ambassador in London, with whom he carried on the intrigue, was Rouvigny, a protestant, the constituted protector of the Huguenots at the French court. Those fatal expressions were obviously used by him to work upon the court confessor's religious zeal and sympathy with persecution.

A new incident soon inflamed the popular delirium to frenzy. It seemed as if the evil principle had obtained a momentary ascendant. Sir Edmondbury Godfrey, before whom Oates had sworn his informations, after being missed from his home five days, was found dead in a ditch near Primrose Hill, with his own sword run through his body, a livid crease round his neck, and his pockets unrifled. It was instantly set down for fact that he was murdered by the papists. A coroner's inquest found that he was murdered by persons unknown; and two proclamations were issued, offering a reward of 500*l.* to the discoverer of the murderers, or any of them; pardon and the reward if an accomplice, and an assurance of protection for the informer's life against the papists. In the height of this ferment parliament assembled, on the 21st of October.

The king, in his opening speech, said the state of affairs on the Continent had rendered it impossible for him to disband the army; the grant for disbanding was employed in subsisting it; and a further supply would be required to pay it off. The absorbing topic of the popish plot was touched by him somewhat lightly. He was, he said, informed of a design against his life by jesuits, but should "leave it to the law;" and take due precaution, meanwhile, against the introduction of popery.

Charles had not a doubt of the falsehood and wickedness of Oates's discovery; but it was neither justice nor humanity that dictated his wish to leave the plot to the ordinary tribunals. He wished only to keep from the cognisance of parliament a matter which the opposition might and did turn fearfully against the court.

Finch, the chancellor, impressed still more particularly that the process, the proof, and the extent and nature of the alleged crimes, were under consideration, and would be left fully to the course of the law.

This did not suit either the enemies of the treasurer or that minister himself. But if Shaftesbury sought to aggravate by a parliamentary inquiry the feverish thirst of the public for the blood of victims to its distempered fury, assuredly it was not that he desired the sacrifice for itself. His aims were to overcome Danby, carry the court by storm, and oust the duke of York from the succession, at that or any price.

Danby was still farther removed from desiring such a sacrifice for itself; but he was a politician with the ambition of a courtier, and it seems plain that he too would continue minister at the melancholy cost of innocent blood, which he must have foreseen. Danby himself makes a merit of having seized Coleman's papers*, and laid the popish plot before parliament, — with this addition to the latter, that Charles told him, "he should live to repent it," as in fact he did. "I have lived," he continues, "to find kings to be true prophets as well as kings; for I have seen many villainous designs acted under cover of the popish plot." †

The king's speech was no sooner proposed for consideration than a general cry of "the plot! the plot!" was raised in both houses. Addresses for the usual fast; for the usual ban against popish recusants; for a new precaution suited to the awfulness of the occasion, viz. the calling out of the trainbands and the defence of posts

* Case of Lord Danby.

† Preface to "Letters, &c." published by him in 1710, when he was no less disgusted with the Revolution of 1688.

and chains in the city; for such papers as related to the horrid plot, were voted in a sort of hurricane; and both houses appointed committees to enquire into the murder of sir Edmondbury Godfrey.

The next step was the appearance of Oates at the bar of the lords and commons to give in his informations concerning the plot. Oates, when before the council, named, among others, lords Arundel of Wardour and Bellasis, upon which the king said those lords had served him faithfully. "God forbid," said the informer, "that I should accuse any unjustly; I did not say they knew it, but only that they were to be made acquainted with it."*

The success of his impostures abroad, and the favour with which he was received by the commons†, emboldened him to new inventions; he now positively accused the five catholic lords, Powis, Stafford, Arundel, Petre, and Bellasis, of treason, as accomplices in the plot. He was twice examined by the lords, wearied them with his details to such a degree that they desired he would not be so particular, and not only asserted but gave proofs of the innocence of the duke of York.

The house of commons ordered Scroggs, the chief justice, to issue his warrants for apprehending those five "popish lords." Powis, Arundel, and Bellasis appeared before the chief justice, in obedience to his warrants, were advised by him to render themselves prisoners at the gate house or king's bench, and complied without difficulty. Stafford and Petre appeared in their places next day, declared their innocence, and were also committed.

Coleman, a close prisoner in Newgate, and the three jesuits, named by Oates as engaged in the plot, were next examined by committees of the lords and commons. Assurances of mercy and menaces of death were alternately employed to make them confess. Coleman confessed his intrigues as they may be found disclosed

* Life of James, i. 520. † Id. ibid. 521.

in his printed letters*, said he had been "guilty of a great many follies," but never knew of any plot or intended violence; and declared, but in a faltering manner, that the letter purporting to be addressed by the duke of York to father La Chaise was a draft prepared by him, and rejected by the duke. The other prisoners protested their entire innocence.

Both houses, having held a conference on the 31st of October, declared their opinion that there had been and still was a damnable and hellish plot contrived and carried on by popish recusants to murder the king, subvert the government, and root out protestantism. The lords, to give an air of superior patronage to their counsels as the upper house, acquainted doctor Oates, by the mouth of the lord chancellor, "that the house took very well what he had done," that the lord general was charged to watch over the care of his person, the lord chamberlain of his lodging, and the lord treasurer of his subsistence.

All great movements of the public mind, religious or political, are either generated originally or directed in their course by factious or aspiring party chiefs. Whether Shaftesbury contrived the plot is a question which may for the present be put aside. But it is clear as evidence can make it, that he and his associates seized it with the most unscrupulous policy for their ends. They pursued the inquiries which followed the seizure of Coleman's papers and Godfrey's mysterious death, with passionate advocacy and dishonest arts. To strike the imagination, inflame the passions, and subdue the reason of the multitude, by the surest way of reaching them, that of the senses, — the body of Godfrey, after having been exposed to view for two days in the public streets, was attended to the grave by a vast procession — including "above a thousand persons of quality and eminent citizens," with seventy-two divines in the robes of their order at its head. It was next preached over as that of a protestant victim, in the most sympathetic strain,

* See Parl. Hist. iv. App. 8.

by doctor, afterwards bishop, Lloyd—whilst two robust divines, or lay-champions habited as such *, stood beside him in the pulpit, to prevent his being murdered, in the act of preaching, by papists.† This took place the very day on which the two houses voted the existence of "the damnable, hellish, and popish plot," and was doubtless so arranged.

Tonge, it will be remembered, declined the functions of a witness. Oates thus stood alone; and though both houses were satisfied with his single testimony, the judges, sometimes very reluctantly, declared two witnesses essential to the proof of treason.

The reward offered by proclamation soon brought a second witness upon the stage. A person named William Bedloe, bearing the style of captain, whilst stopping at an inn on his way to Bristol, called for pen, ink, and paper; told a woman who travelled with him that if his letter succeeded he would give her a diamond ring; wrote to secretary Coventry, by post; was desired by the minister, in reply, to come up clandestinely, or get himself sent up as a prisoner by the mayor of Bristol; preferred the arrest ostentatiously at midday on the 'change at Bristol; was escorted to London; and upon being brought before the privy council, denounced two jesuits named Walsh and Le Fevre, with two unnamed laymen, as the murderers of sir Edmondbury Godfrey, — with the further and very material disclaimer on oath of all knowledge of the popish plot.

This was his evidence the first day. When brought up next day, he came to the relief of Oates and of the plot, by accusing lords Bellasis, Arundel, and Powis of having commissions from the pope to raise an army against the king, and Coleman as deep in the design to assassinate him. His second examination took place in

* Lingard, sub ann. 1678.

† "Besides the preachers," says Roger North in his "Examen," &c. two other thumping divines stood upright in the pulpit, one on each side of him, to guard him from being killed, while he was preaching, by the papists."

the presence of the king, who quickly perceived that the informer had been drilled in the interval.*

Charles, clear-sighted and convinced, but without force of character or moral principle, instead of attempting to undo the web of villainy which spread more and more every day, affected to share the general delusion. On the 9th of November he summoned the commons to attend him in the house of lords, thanked both houses for their care of his life, in times so full of danger, and offered to join them in securing the protestant religion to their hearts' content, by passing such bills as should be presented to him, whether against popish recusants, or "to make them safe in the reign of his successor;" — but without impeaching the right of succession to the crown, his own rights, or those of any *protestant* successor.

The king's harangue had reference to addresses moved in the house of commons by lord Russell†, in the house of lords by Shaftesbury‡, for the removal of the duke of York from the king's councils and presence. The king anticipated them by persuading or rather commanding his brother to retire from the council. James, upon the same principle, an obedient subject and despotic prince, complied against his own judgment§, and announced his retirement in the house of lords.‖

The addresses, having no longer an object, were abandoned; but the king's assurances from the throne had no weight with men now familiar with his duplicity, and the enemies of James were not disarmed by his retirement. The house of commons, whilst the ferment caused by Oates's narrative and the seizure of Coleman's papers was at its height, passed a bill "to disable papists from sitting in either house." Catholics were already excluded by tests from the house of commons, and members were expelled at different times as popish re-

* Burnet, ii. 161. † Parl. Hist. iv.
‡ Life of James, i. 524.
§ Id. Ibid. "Being," he says, "always disposed to sacrifice his person and interests to the king's service and ease."
‖ Parl. Hist. iv. 1030.

cusants. The main object of the bill, therefore, was to disable the Roman catholic peers, and the secret purpose of the opposition leaders was to disqualify the duke of York. The progress of the bill was slow; it yet reached the stage of the third reading in the house of lords.

The duke viewed his removal from the house of lords as the first step to his exclusion from the throne. He appealed to the lords with tears in his eyes, said he cast himself on their favour, in the greatest concern of his life, declared that his religion "should be a private thing between God and his own soul, — of no effect in matters of government*," — and moved a proviso to except him from the operation of the bill.

The declaration of James respecting his religion, was most probably made by him in good faith, with the intention of observing it; and sincere religionists have sometimes been found the most truly tolerant. The men of the commonwealth combined religious enthusiasm with the principles and practice of religious toleration. But there were essential differences in religion and in faculties between them and James. They were men of superior intellect, whose creed was based upon the fearless independence and boundless freedom of individual thought. He was a person of narrow mind, perverted by his education near a throne. His religion was essentially a prostrate submission of his reason to that human authority which is called spiritual; both his conscience and his reason were at the disposal of the clergy of his communion, more immediately about his person; — and the priesthood, of whatever communion, will, like other classes of men, abuse their power for their own interests, or for the interests and passions of their order. Hence, the sincerity of his intentions was but a feeble guarantee of his keeping his faith, — as it ultimately proved, mischievously to the nation and fatally to himself.

The bill passed with this proviso in favour of the presumptive heir to the throne; and the Roman catholic

* Burnet.

peers, between the perjuries of Oates and the purpose of Shaftesbury to wound the duke of York through their sides, were deprived of a right which Shaftesbury himself had declared to be inalienable and "sacrosanct." *

The rejection of the proviso in the house of commons was feared by the court. Several members spoke with earnestness, some with emotion, on the side of the proviso and the duke. †

Sir William Coventry on this occasion deserted his party; urged the pledge given by the duke of his intentions towards the protestant religion by marrying his daughter to the prince of Orange; and was answered with cries of "question," and interruptions still more indecent.

The words "papist" and "rebel," were exchanged between Trelawney and Ash, and a blow given by the former to the latter. ‡ The first who rose to oppose the proviso was Waller. He was followed on the same side by sir Henry Capel, who charged the execution of his father, with strange effrontery, upon the papists; by sir Thomas Meres, who resisted the proviso as a step to toleration; by lord Cavendish, who would not, he said, declare the duke a papist by act of parliament.

The utmost efforts of the court could carry the proviso by a majority of only two, — the numbers being 158 to 156; and Charles, when giving the royal assent to the bill, expressed his regret that it was deemed necessary by both houses. §

Bedloe meanwhile prepared and delivered to both houses a circumstantial narrative of the strangling of sir Edmonbury Godfrey at Somerset House, into which he had been decoyed for that purpose; and of his subsid-

* It was reserved for a distinguished minister to give a redeeming and imperishable lustre to his historic character,—for a great warrior to combine the honours of statesmanship with military renown, — by liberating, after the lapse of a century and a half, from the bondage of laws made in unhappy times, the Roman catholics of these countries, both peers and peple.

† Parl. Hist. iv. 1039. &c. ‡ Parl. Hist. iv. 1045.

§ Some paltry discussion took place between the two houses respecting the papist waiting women of the queen and duchess of York. A lord of parliament, supposed to be lord Lucas, expressed himself as follows: "I would not have so much as a popish man or a popish woman to remain here, not so much as a popish dog or a popish bitch, nor so much as a popish cat to pur or mew about the king."

iary evidence of Oates's plot. His incredible perjuries are not worth notice in detail. They carried falsehood upon the face of them; and they were found upon examination of the apartments of Somerset House by the duke of Monmouth, deputed for the purpose, and attended by Bedloe, to be not only untrue, but impossible.

Yet the public terror of the plot, and the credit of the informers were but raised still higher. Impostures addressed to credulous fear and religious passion, the more monstrous are only the more successful. The imagination becomes captivated, and reason subdued by the marvellous.

Oates and Bedloe were encouraged to an experiment of new and transcendent daring. They accused the queen of sharing the utmost depths of the plot. This new scene was opened by Oates and Tonge in such a manner as to prove that they had more than a common knowledge of the king's sentiments, and the party manœuvres of the court.

Charles had been tempted by Shaftesbury with the proposal of a divorce, by Buckingham with the offer of carrying off the queen to live and die unknown in the plantations, and was saved the shame of compliance by his better feelings or his indolent temper. A woman named Elliot, at the instigation of Tonge *, obtained access to the king, and solicited a private interview for Oates, who wished to communicate to him a great secret respecting the queen. Charles heard her with displeasure; yet saw Oates privately on the 24th of November. It is stated that he heard Oates, with disgust at his impudence and horror of his wickedness. The informer, nevertheless, swore his informations next morning before secretary Coventry, and repeated them before the council. He said that having been admitted with certain jesuits to Somerset House, he stood in the antechamber, and listened at the door of the queen's apartment, which the jesuits left ajar upon their going in. He soon heard the queen declare that she would no longer suffer the

* Lords' Jour. Nov. 1678. Examination of Mrs. Elliot.

king's infidelities, and that she would assist in taking his life, for the sake of her wrongs and her religion.

Bedloe came to the aid of his colleague, with the statement of his having heard a consultation respecting the murder of the king, between the queen, lord Bellasis, Coleman, and several jesuits in the chapel gallery at Somerset House, whilst he stood on the chapel floor below. The queen, he said, wept but consented. He was asked why he had so long concealed this treason against the king's life, and said, it escaped his memory but was recalled by Coleman's denial of all knowledge of him.

Charles had no affection for his queen, but could scarcely hate a wife who did not interfere with his pleasures, and whose life was blameless. His heart, ungenerous and selfish as it was, revolted against this new infamy, and suspecting it to be the suggestion of Shaftesbury or Buckingham to Oates, gave orders that Oates's papers should be seized, and all communication with him prevented, unless in the presence of one of the clerks of the council.

The house, more careful of the king's safety than he was himself, voted an address for the removal of the queen and her servants from Whitehall, and desired the concurrence of the lords. That house postponed the matter to the next day, examined Oates, Bedloe, and Mrs. Elliot, and rejected the address. This put a stop to the accusation against the queen; but the lords to prove their orthodox conviction of the truth of the plot, voted impeachments of treason against the five popish peers in the Tower.

Oates and Bedloe had as yet shed no blood. Their first victim was Coleman.* No one can peruse the record of his trial without seeing his innocence of treason, the

* A Roman catholic banker, named Staley, was tried and executed, for treasonable words spoken by him in French at a tavern, on the accusation of Carstairs, whom Burnet described to the chancellor as a profligate intriguer wholly unworthy of belief, from a knowledge of his practices in Scotland. Jones, the attorney-general, rebuked Burnet for disparaging the king's witness, and proceeded.

culpable blindness of the jury, and the iniquity of the crown lawyers and the judges. He might have saved his life by accusing others and himself, but protested his innocence to the last moment on the scaffold at Tyburn.

The five jesuits accused by Oates, Whitbread or White, Fenwick, Ireland, Grove and Pickering, were brought to the bar. Two witnesses were necessary to prove treason. Bedloe was unprepared with his part against Grove and Ireland; and they were sent back to Newgate.

Some notion of the spirit in which the remaining three were tried and condemned, may be formed from the address of the chief justice Scroggs to the jury upon their giving their verdict: "You have done, gentlemen, like very good subjects, and very good Christians, that is to say, very good protestants; and now much good may their thirty thousand masses do them!"* Scroggs was, like other judges and lawyers of that age, a person of profligate life and brutal character.

The jesuits died with the most solemn protestations of their innocence before God and man; but their dying speeches were reconciled with their guilt by protestant divines, whose pulpits resounded with expositions of the casuistry by which jesuits sanctified any means, however wicked, by the end. "I looked," says Burnet, "on this, as an opening their graves, and putting them to a second death."†

A human sacrifice was now to be offered to the manes of sir Edmondbury Godfrey, and Bedloe took the lead of Oates as officiating high priest. Oates, however, prepared the way by swearing that Godfrey said he was threatened by some popish lords, and in fear for his life. Bedloe told his tale against three persons named Hill, Green, and Berry, servants at Somerset House, and described in the indictment as

* This, according to Oates, was to be part of their reward.
† These words, omitted by the former editors, are printed for the first time in the Oxford edition.

labourers, whom he accused of the murder. A person named Prance, had been charged as an accomplice by Bedloe, confined in the Tower, assailed with the terrors of death, the hope of pardon and reward, confessed himself guilty, and accused the three prisoners. Remorse soon prevailed with him; he retracted his accusation, declaring his total ignorance of the death of Godfrey before the king and council, and was sent back to the Tower. The former arts were repeated by doctor Lloyd and Boyce the jailor; he was further chained to the floor; he returned to his first story at the trial in a manner so rambling and incoherent, that his mind seemed impaired; and he contributed his part with the chief justice Scroggs, the attorney-general Jones, the recorder the noted Jeffreys*, and the jury, in shedding the blood of three innocent men.

The popish plot having thus marked with its bloody character the close of the year 1678, and according to the present style, the commencement of the succeeding year, relaxed or rather suspended its operations. Not only the death of Godfrey, but the plot itself, are mysteries hitherto unexplained, and perhaps inexplicable. The Roman catholics had no motive of policy or passion, to murder the magistrate who took the deposition of Oates. The only use he made of his knowledge was for the benefit of Coleman and the duke of York; and his death was most opportune for the success of the "drivers" so called, of the popish plot. To charge it upon the catholics, was a slander propagated by faction and the passions of the multitude. The only question is, whether a man inheriting a melancholy temper, committed suicide like his father†, or was murdered in order to render the catholics still more odious by those who had an interest in the reception of the plot. Much might

* Ralph calls the recorder "Treby," but Jeffreys had succeeded to the recordership in the month of October, some weeks before the trial. Dolben, one of the judges, acted with some fairness, upon Scrogs's stopping a witness with, "you may say any thing to a heretic for a papist." Dolben remarked, "this is a mighty improbable business." — *State Trials*, vii. 167.

† Life of James, i.

be inferred from the appearances of the body; but they are not recorded with calmness or authority.

With regard to the plot, it has been confidently declared a contrivance of Shaftesbury. Dalrymple, who provoked Whig resentment by exhuming the proofs of Whig corruption in this reign, and whose credit has been assailed in vain with every party art, declares that he had seen papers which convinced him that Shaftesbury was the contriver.* To reconcile the extravagance of the fiction he suggests that the persons, used as instruments by the contriver, exceeded his instruction to them.

Another, but more prejudiced witness, is Roger North, who declares that Shaftesbury, being asked by a certain lord what he intended to do with a plot "so full of nonsense that it would scarcely go down with *tantum non* ideots," made this reply: — "It is no matter; the more nonsensical the better; if we cannot bring them to swallow worse nonsense than that, we shall never do any good with them." †

Without questioning the veracity of Dalrymple, it may be doubted whether the papers which carried conviction to his mind, would also convince others; and North's anecdote has the air of a dramatic invention, to illustrate Shaftesbury's unprincipled character and knowledge of human nature. In the absence of direct proof, of which there is not a particle, it seems difficult to suppose, and would be injustice to infer, that a veteran intriguer of consummate ability fabricated absurdities so glaring, and committed himself with such miscreants as Oates and Bedloe. But that he took advantage of the plot in a manner the most remorseless and inhuman, from motives of political faction and personal resentment, is beyond dispute. ‡

Oates and Tonge then must pass for the original authors of this wickedness. It appears to have been sug-

* Mem. &c., i. 43.

† He, however, retracted a part of his accusation. (See his preface.)

‡ For the spirit in which he acted, see the *Journals* of the house of lords, during the period of the examination of Atkins before the privy council in the state trials, vol. vi. from the Pepys MSS., &c.

gested to their imaginations by an association of ideas, which would naturally strike knaves of mean understanding; but would never suggest itself to minds of more accurate perception and higher order. Oates had learned at St. Omers, that a periodical "consult" of jesuits had been held, of course secretly, in London*, for the appointment of officers and other interior arrangements of their society; and upon this foundation he raised the fabric of his perjuries. The arts of faction, the antipathies of religion, and the credulous fears and furies of the multitude, did the rest.

The popish plot, it has been observed, was precipitated by Shaftesbury, Danby and the duke of York, from motives the most different — concurring with a sort of fatality to the same end. Danby, well knowing that his enemies were secretly mining beneath his feet, encouraged the plot as a diversion in his favour, and did but play the game of his enemies. Shaftesbury and his associates no sooner had the perjuries of Oates well launched upon the public mind, than they prepared to attack the minister. The ruin of Danby was one of the stipulations of the opposition with the French court through the French ambassador, Barillon, and Montague the king's ambassador at Paris.

Montague was a person who sought to make his fortune, by intrigues of gallantry, faction, and corruption. He tried in vain to recommend himself to the queen, and was removed from her household for his presumption.† The duchess of Cleveland, finding herself eclipsed by the king's French mistress, mademoiselle de Kerouaille, now duchess of Portsmouth, retired to the

* Sir John Reresby states, on the authority of James himself after he came to the throne, that the meeting was held in his apartments at St. James's. Such was the religious infatuation of this prince. Oates fixed the scene at the White Horse tavern in the Strand, and the time on the 24th of April, on which day he swore and re-swore that he was present. "If," says James to Reresby, "Oates had but known it, he would have cut out a fine spot of work for me." He might have added that the jesuits, executed for the plot, laid down their lives rather than disclose his secret.

† The queen, doubtless with more archness than simplicity, asked the king in the presence of others, what was meant in England by a squeeze of the hand; was told by him that it meant, "I love you;" and rejoined, "then Mr. Montague loves me, for he squeezes my hand."

court of France. She still retained her beauty, whilst her expertness in court intrigue had attained its perfection. Montague importuned her to receive him as her lover, and aid him in his intrigue against the treasurer, was but doubly disappointed; and, to avenge himself, disclosed to Charles her amour with a French courtier, the chevalier de Chatillon.* It has been stated with what eagerness he tried to become the confidential agent in the king's French money transactions. He professed in his letters from Paris † his attachment in terms of gross homage to the person and interests of Danby; coupled always with his hopes of a secretaryship, for which he was willing to pay the retiring secretary Coventry 10,000*l.*; found sir William Temple ‡ preferred

* The letter of the duchess vindicating herself to Charles, is a truly curious document: "Sure, never malice was like the ambassador's, that only because I would not answer to his love, and the importunities he made to me, was resolved to ruin me. I hope your majesty will yet have that justice and consideration for me, that though I have done a foolish action, you will not let me be ruined by this most abominable man. . . . . Now all I have to say for myself is, that you know as to love, one is not mistress of one's self, and that you ought not to be offended at me; since all things of this nature is at an end with you and I, so that I could do you no prejudice; nor will you, I hope, follow the advice of this ill man, who in his heart I know hates you, and were it not for his interest would ruin you too if he could. For he has neither conscience or honour; and has several times told me, that in his heart he despised you and your brother, and that for his part, he wished with all his heart that the parliament would send you both to travel; for you were a dull governable fool, and the duke a wilful fool, so that it were yet better to have you than him, but you always chose a greater beast than yourself to govern you. And when I was to come over, he brought me two letters to bring to you, which he read both to me before he sealed them. The one was a man's, that he said you had great faith in; for that he had at several times foretold things to you that were of consequence, and that you believed him in all things, like a changeling as you were; and that now he had wrote you word that in a few months the king of France and his son were threatened with death, or at least with a great fit of sickness, in which they would be in great danger, if they did not die; and that, therefore, he counselled you to defer any resolutions either of war or peace till some months were past; for that if this happened, it would make a great change in France. The ambassador, after he had read this to me said, 'now the good of this is,' said he, 'that I can do what I will with this man, for he is poor, and a good sum of money will make him write whatever I will.' So he proposed to me that he and I should join together in the ruin of my lord treasurer and the duchess of Portsmouth, which might be done thus . . . . And I hope you will be just to what you said to me, which was at my house, when you told me you had letters of mine; you said, madam, all that I ask of you for your own sake is, live so for the future as to make the least noise you can, and I care not who you love. Oh! this noise, that it had never been, had it not been for the ambassador's malice. I cannot forbear once again saying, I hope you will not gratify his malice in my ruin." —*Harris's Life of Charles II.* App. 373—378. from the Harleian MSS.

† See Danby's "Letters, &c."

‡ Temple was not appointed, according to his own account, because he

to him — and came from Paris to London, full of rage against the treasurer.

Already well aware of the intrigues of the opposition with Barillon, he communicated to both that he had in his hands the means of ruining their common enemy the treasurer.* With Barillon he conditioned for the protection of the French king in case of failure; 100,000 francs to buy seven or eight votes in the house of commons; and the investment of 40,000 livres in a French security, for his benefit, if he should succeed within six months in effecting the fall of Danby.†

The minister aware of his danger, from his letters to Montague, in the possession of a person so unscrupulous, ordered the seizure of his papers. Montague had with some difficulty procured a seat in the house of commons, for the double advantage of more effectually attacking Danby, and shielding himself against the resentment of the minister and the court. The seizure was communicated to the house by a message from the king, assigning as the cause, that Montague had held secret conferences with the pope's nuncio, during his late embassy in France. It was a mere pretence of Danby, to gain possession of his own letters.

The conference of an ambassador with the pope's nuncio in France would, under other circumstances, have raised a ferment in the house. It was now passed over lightly, and the breach of privilege violently insisted on. Maynard said that conferring with the pope's nuncio bordered on treason, and might yet be justified, by the ends in view. This hackneyed lawyer would yet have been one of the first to exclaim against the moral casuistry of the jesuits. Powle, Hampden, Bennet, Titus, Harbord, prominent members of the opposition, and French pensioners on the list of Barillon‡ declaimed with indignant virtue against the seizure, as a violation of

declined the office; according to others, because he was unwilling or unprepared to pay the price of 10,000*l.* to Coventry.

* Letter of Barillon, Dal. App. 193.

† Id. ibid. ‡ Dal. App. 314, &c.

legal right committed from personal motives by a great minister. "I believe," said Montague in his place, "that my cabinet has been seized to get possession of letters of great consequence respecting the designs of a great minister of state." Apprehending the possible seizure of his papers, he had cunningly secreted the most important. It was suggested by sir John Lowther, afterwards lord Lonsdale, that Montague should not leave the house, lest he should be murdered; and that a deputation should proceed, according to his instructions, to bring his papers to the house. This suggestion was adopted: and two deputations left the house, — one to bring Montague's papers, the other to the king, desiring that he would be graciously pleased to let the house know whether the seizure was made in pursuance of information upon oath. The latter reported that the king had sent them for answer, out of the house of lords, "he was then very busy, but they should attend him at Whitehall, when the house of lords was up."

The deputation for Montague's papers had better success. A small box was broken open by a locksmith, and the contents left to the "sorting" of Montague himself. Having excused his treachery, by the shallow pretence of obeying the orders of the house, he selected, and placed in the hands of the speaker, two letters written to him by Danby, and dated, the one January 16th, the other January 25th, 1678.

The latter was that already referred to, soliciting money in the king's name from Louis XIV., upon a contingency, however, which did not take place, of the French king's accepting the proposed terms of peace.*

The reading of these letters, set the commons in a flame. The impeachment of Danby for high treason resounded through the house. "I hope," said Harbord,

* It would appear from the following expression of lord Russel (Parl. Hist. iv. 1060.), "Montague cannot come at the originals for the present, but he has a copy of them," that Montague had secreted copies only. This would account for the absence of the well known postscript of the king, "This is writ by my order, C. R" in the entry on the journals, and the absence, so far as appears from the record of the debate, of any allusion to it by any member.

a hireling whig tool of the French court, "gentlemen's eyes are now open to the design of destroying the government and our liberties. I believe, if the house will command Montague, he will tell you more, but I would not press it now, because poisoning and stabbing are in use."* He then proceeded to declare that he feared nightly the murder of the king; that a peer, who was intimate with the earl of Danby, said "there would be a change of government in a year;" that a person, whom he would not then name, or only to secretary Coventry, had poisons, liquid and in powder, which he had tried upon dogs; but he would not then stop to examine the matter, and would proceed immediately to an impeachment.

The letters of the treasurer were voted a sufficient ground for impeaching him, on a division of 179 to 116. Seven articles of impeachment were accordingly proposed, and carried by large majorities. They charged him with traitorously arrogating regal power, by treating of matters of peace and war without consulting with any of his brother counsellors; of keeping up an army to subvert the government; of traitorously alienating the king's subjects; of being popishly affected, and traitorously concealing the horrid and bloody popish plot; of wasting the king's treasure; of procuring to himself royal gifts and grants, contrary to law.

Danby could roll back the charges with accumulative infamy upon his accusers. He had in his hands Montague's letters, from which it would appear that his own were but answers to that person's eager proposals of procuring the king French money,—soliciting the management for himself, and offering, on the part of the French minister Louvois, to make Danby's fortune by an enormous bribe, which should be transmitted, for the greater secrecy, in diamonds and pearls.†

The audacity of Montague is easily reconciled with his knowledge of these means of retaliating on him

* Parl. Hist. iv. 1061. † Danby's Letters, 40.

tenfold. He rightly concluded that the minister would not disclose letters which could not vindicate himself without compromising his master. The treasurer accordingly produced but two letters of Montague*, one disclosing the younger Rouvigny's mission to intrigue with the opposition; the other mentioning, as a maxim of the elder Rouvigny, that the credit of the lord treasurer was injurious to France. They were read without attention, and not entered on the Journals.

On the 23d of December Lord Danby was impeached at the bar of the house of peers. A motion, that he should withdraw, was negatived by a majority of 20, and he defended himself in his place with the eloquence of a man who was not wholly innocent, but felt his superiority to his accuser. He invoked the scorn of mankind upon Montague for his treacherous disclosure of the sacred trusts of his post and his sovereign; denied every charge; and challenged his enemies, with the least possible delay, to the proof.

Of Montague there cannot be a second opinion. He betrayed private confidence and his public trust. Danby went to a criminal length in complying with the commands and wishes of a base and bad prince; but whilst he stained his reputation by his share in Charles's money compacts with Louis, he kept his own hands pure, and his English spirit would sometimes revolt so violently against the contempt of the French for his master and his country, that he spoke of chastising them into better manners.†

But the conduct and character of individuals are much less instructive than those of parties or factions. There is something alike instructive and revolting in the con-

* It will be found, however, upon comparing his speech with the correspondence which he published in his justification, many years after, when duke of Leeds, that he availed himself then very freely of the letters which he had kept back.

† "I perceive," says he "by you, that Mr. Chiffinch hath been, and

have, not only for our nation, but the very person of the king, although he be so unhappy as not to believe it." — *Danby's Letters*, 9, 10.

duct of the opposition leaders. With the false fire of religion and liberty on their lips—inflaming civil discord and fanatical zeal to a sort of epidemic phrenzy,—they were actuated only by selfish passions, and their corrupt compact with the French king.

The next question was vehemently debated*, whether the treasurer should be committed to the Tower as a traitor? A motion for his committal was rejected, and the offence of treason thus virtually negatived by the lords.

Had the commons been more moderate, and limited their impeachment to misdemeanor, the accusation would have been well founded. His arrogating to himself alone the conduct of foreign affairs, his applying to the maintenance of the army funds voted by parliament to pay it off, his treating clandestinely for the corrupt sale of the king's mediation to one of the parties between whom he was mediator,—these were offences which would warrant his being removed and punished.

A day was fixed for the treasurer to give in his answer. Before that day came the parliament had ceased to exist. It was prorogued by the king in person on the 30th of December, and dissolved by proclamation on the 24th of January.

* A curious circumstance is recorded of this debate. Lord Carnarvon, a friend of the treasurer, but one who had never spoken or given signs of capacity, came into the house heated with wine. Buckingham, who never missed an opportunity of indulging his levity and humour, encouraged him to speak by way of sport for the house. He spoke as follows: "My lords, I understand but little of Latin, but a good deal of English, and not a little of the English history, from which I have learnt the mischiefs of such kind of prosecutions as these, and the ill fate of the prosecutors. I could bring many instances, and those very ancient; but, my lords, I shall go no farther back than the latter end of queen Elizabeth's reign; at which time the earl of Essex was run down by sir Walter Raleigh. My lord Bacon, he ran down sir Walter Raleigh, and your lordships know what became of my lord Bacon. The duke of Buckingham, he ran down my lord Bacon, and your lordships know what happened to the duke of Buckingham. Sir Thomas Wentworth, afterward earl of Strafford, ran down the duke of Buckingham, and you all know what became of him. Sir Harry Vane, he ran down the earl of Strafford, and your lordships know what became of sir Harry Vane. Chancellor Hyde, he ran down sir Harry Vane, and your lordships know what became of the chancellor. Sir Thomas Osborne, now earl of Danby, ran down chancellor Hyde, but what will become of the earl of Danby, your lordships best can tell. But let me see that man that dare run the earl of Danby down, and we shall soon see what will become of him." (Parl. Hist. iv. 1073.) Buckingham, disappointed and surprised, cried out, "The man is inspired—claret has done it."

Thus ended the long or pensionary parliament of 1679.
Charles II., after having sat seventeen years! Shaftesbury called it his wife, and the dissolution got the name of the divorce. It presents various and opposite phases; and is signalised by one incident, memorably atrocious. It lent itself at the outset to the despotic counsels of Clarendon, the bishops, and the two royal brothers, in church and state, and made the crown and the mitre all but absolute. It reserved the public purse, but held the strings so loosely as to be almost at the disposal of the court. The king, not unnaturally, overrated its royalist compliance. An opposition to the court showed itself in the house of commons. It was actuated rather by religious bigotry in the mass, and the corrupt ambition of individuals, than by public spirit or the love of liberty; and was, therefore, easily subdued or satisfied for a time by court bribes and measures of intolerance. Party chiefs of moderate capacity but of fearless character, and sharing or affecting the popular passions, placed themselves at its head. They were joined by disaffected courtiers; above all, by one man who brought with him disappointed ambition and deep resentment, with every accomplishment, the best and the worst, of a demagogue and intriguer. The supplies were wholly withheld, or so small in amount, and so strictly appropriated, that the king had no longer the means of bribing down faction in the mask of patriotism. The arts of corruption and intrigue gave way to factious violence on the one side, and tyrannic purpose on the other. Each party sought to bring the adverse one to its feet. Charles contemplated relieving himself from parliaments by a resource more base, but not more despotic, than that which brought his father to the block—making himself the pensioner of a foreign tyrant who was the enemy of a nation claiming freedom for its birthright. The opposition sought to bring the king to the feet of the house of commons—that is, to its own—by the worst arts of faction, and by the most inhuman use of the perjuries and delusions of the popish plot. "They used all means

indiscriminately," says a severely impartial historian, "as our own barbarians on the sea-coasts hang out lights in tempestuous times to mislead the mariner, that they may prey on the wreck."

But, whatever their motives or their means, it should be remembered that they created and endeared to the nation that great safeguard of law and liberty, a popular opposition, and taught the people to distrust a sovereign who sold himself, and would sell, if he could or dared, the laws, the liberties, the religion, and the honour of the nation, for money to a foreign prince.

The disposition of some eminent writers of the present age, to qualify their reprobation of "the popish plot," is not without some excuse. They naturally seek to veil this monstrous union of faction, perjury, and fanaticism, for the sake, not only of whiggism, and of protestantism, but of human nature. But there is less excuse, or rather none, for the hardihood with which Dalrymple's evidence of the corrupt relations of the whig leaders with the king of France was long denied by partisan writers, and is at last admitted, with insinuated doubts and suggested palliations, by historians of the first order.*

* The reader who has not immediate access to Dalrymple's Appendix (315.) may be gratified to peruse here the evidence adduced by that writer, from the French archives of foreign affairs, of the bribes distributed by Barillon among the opposition leaders and subalterns, in and out of parliament.

"State of the money employed by Mr. Barillon, ambassador from Louis the XIVth in England, since the 22d of December, 1678.

"By the memorial which I sent to court the 22d December, 1678, I had remaining, in bills of exchange and ready money, the sum of 21,915*l.* 16*s.* 7*d.* sterling, which makes, in French money, 292,211 livres.

"Since the said 22d of December to this day, the 14th of December, 1679, I have given, to wit, to the duke of Buckingham 1000 guineas, which makes 1087*l.* 10*s* sterling.

"To Mr. Sidney 500 guineas, which makes 543*l.* 15*s.* sterling.

"For the support of the sieur Bulstrode, in his employment at Brussels, 400 guineas, which makes 435*l.* sterling.

"To the sieur Baber 500 guineas, which makes 543*l* 15*s.* sterling

"To the sieur Lyttleton 500 guineas, which makes 543*l.* 15*s* sterling.

"To the sieur Powle 500 guineas, which makes 543*l.* 15*s* sterling.

"To the sieur Harbord 500 guineas, which makes 543*l.* 15*s.* sterling.

"Total of the expense made to this day, 14th December, 1679, 4241*l.* 5*s.* sterling, which makes, in French money, 56,550 livres.

"The 22d December, 1678, I had remaining 21,915*l.* 16*s.* 7*d.* sterling, which makes, in French money, 292,211 livres.

"Since the said 22d December I have given 4241*l.* 5*s.*, which makes, in French money, 56,550 livres.

Shaftesbury does not figure in the list, and it is a redeeming circumstance in his wayward career. Lord Russell plunged into the utmost depth of this intrigue with Barillon, and that of Montague, against Danby;

"Thus I have remaining, this 14th December, 1679, only the sum of 17,674*l.* 11*s* 7*d* sterling, which makes, in French money, 245,661 livres, of which sum I have in ready money 2674*l.* 11*s.* 7*d.* sterling, which makes, in French money, 35,661 livres. The remainder, which is 15,000*l.* sterling, or 200,000 livres French money, is in bills of exchange, which have not been negotiated."

The last account consists of the following articles: —

	Guineas.
William Harbord. Barillon describes him thus: — "Qui a beaucoup contribué à la ruine de comte de Danbi:" "who contributed greatly to the ruin of lord Danby."	500
Mr Hamden	500
Colonel Titus	500
Hermstrand. This must have been sir Thomas Armstrong, because, when Barillon gives afterwards an account of Armstrong's execution for the Rye-House plot, he calls him chevalier Thomas Hermstrand	500
Bennet. Barillon describes him to have been formerly secretary to prince Rupert, and now to lord Shaftesbury	300
Hodam. This must have been Hotham, for Barillon describes him, "Fils du chevalier Hodam, qui étoit gouverneur de Hull." "son of the chevalier Hotham, who was governor of Hull"	300
Hickdal	300
Garoway	300
Francland	300
Compton	300
Harlie This must have been sir Edward Harley, because Barillon describes him, "Ci devant gouverneur de Dunquerque:" "formerly governor of Dunkirk"	300
Sacheverel	300
Foley	300
Bide. He describes him thus: "Fort riche et accredité:" "very rich, and in great credit"	500
Algernon Sidney	500
Herbert	500
Baber This must have been the famous sir John Baber. Barillon describes him thus: "Qui n'est pas du parlement, mais qui a beaucoup des liaisons avec les membres de la chambre basse, et qui avoit fait ma liaison avec milord Holles:" "who is not in this parliament, but who has many connections in the lower house, and who formed my connection with lord Holles"	500
Hill. This was probably sir Roger Hill. Barillon says he was formerly one of Cromwell's officers	500
Boscawen	500
De Cross. This was the de Cross, envoy from the duke of Holstein, mentioned by sir William Temple	150
Le Pin. Barillon calls him one of Sunderland's clerks	150

— *Dalrymple, Appendix*, pp 315—317.

It has been unfairly alleged that the evidence rests on the single credit of Barillon. The secret intrigues of the opposition leaders, not only with the king of France. Dalrymple brought to light the particulars, and placed the matter beyond reasonable dispute. He is moreover confirmed by lord Preston. (See Dal. App. part 1 Letters of lord Preston.)

but, as might be expected, kept his hands pure, and told Rouvigny, the French envoy, upon that person's asking his aid in the distribution of French bribes, that he should be sorry to act with men who could be gained by money.

A host of writers, whigs and tories, indulge in affected or exaggerated terms of surprise, at finding the republican name of Algernon Sidney among the pensioners of Louis. But the case of Sidney is to be viewed in a light, broadly and essentially different from that of the whig leaders in the pay of the French court. Sidney, it has been already seen, treated secretly with the French ministers soon after the restoration for a supply of money, to be employed by him in the avowed project of restoring the English commonwealth. It was with the same avowed views, that he now took the money of the king of France. He urged upon Barillon, that the restoration of republican government in England was, no less than its preservation in Holland, the interest of France; and that—the commonwealth once restored—an unrestricted religious toleration should in England, as in Holland, embrace the catholics.* In short, the whig pensioners of the French king, were corrupt court intriguers, whilst Algernon Sidney was in 1678, as in 1683, upon the same principles, and in the same cause, a treasonable conspirator. This takes him out of the company of the whigs; be it matter of aggravation, or be it matter of defence.

* Dal. App. 311, 312. Sidney was not the only person who treated with Barillon for the restoration of the commonwealth. "M. de Sidney" says the French ambassador, in a despatch to Louis XIV., "est *un* de ceux qui me parlent le plus fortement, et le plus ouvertement, sur cette matière."

CHAP. VIII.

1679—1680.

THE ELECTIONS. — THE DUKE OF YORK RETIRES FROM THE COUNCIL AND GOES ABROAD. — THE DUKE OF MONMOUTH. — CHOICE OF A SPEAKER. — SEYMOUR AND GREGORY. — VOTE THAT THE IMPEACHMENT OF DANBY CONTINUED GOOD, NOTWITHSTANDING THE DISSOLUTION. — FALL OF DANBY. — SIR WILLIAM TEMPLE'S SCHEME OF A NEW COUNCIL. — LORD HALIFAX AND ALGERNON SIDNEY. — FAILURE OF THE NEW COUNCIL. — THE EXCLUSION BILL. — PARDON OF LORD DANBY QUESTIONED. — HIS ACCOUNTS SEARCHED. — BRIBES TO MEMBERS AS SECRET SERVICE. — HONOURABLE CONDUCT OF BERTIE. — DISCLOSURES OF SIR STEPHEN FOX. — WRIT OF HABEAS CORPUS. — SCOTLAND. — EXECUTIONS IN ENGLAND. — TRIAL OF WAKEMAN, THE QUEEN'S PHYSICIAN. — DISSOLUTION. — THE DUKES OF YORK AND MONMOUTH. — THE ELECTIONS. — REMOVAL OF SHAFTESBURY. — MONEY BARGAINS OF CHARLES WITH LOUIS XIV. — INTRIGUES OF LOUIS WITH THE POPULAR PARTY. — THE "MEAL-TUB PLOT," A REMARKABLE LIBEL. — WHIG RESIGNATIONS. — SHAFTESBURY PRESENTS THE DUKE OF YORK AS A POPISH RECUSANT. — OPENING OF PARLIAMENT. — ADDRESSERS AND ABHORRERS. — THE EXCLUSION BILL. — TRIAL, EXECUTION, AND INNOCENCE OF LORD STAFFORD.

THE opposition, the minister, the court itself, considered 1679.
all at stake in the elections. They were contested with all the arts of faction, the resources of power, and the fury of the passions. The timid were alarmed — the credulous inflamed — by false rumours, and that scandalous device so often employed by religious partisans, literary forgery. The horror of popery and the plot prevailed, and the elections were carried against the court.* The day fixed for the opening of the new parliament was the 6th of March.

* The practice of splitting freeholds to multiply votes is said to have originated at this election.

The court meanwhile sought to devise means of averting and mitigating the storm. The popery of James was hated and feared, and Danby suggested to the king, his brother's retirement not only from the court, but from the kingdom. The five popish peers, so called, prisoners in the tower, under an accusation of treason, as accomplices in the plot, knew that their innocence would not avail them, and trembled for their lives. They counselled and entreated James, through the wife of one of them, lady Powis, to consult their safety and his own, by leaving the kingdom. This step was taken with the knowledge of the court.

Charles, on his side, began with a manœuvre, of which he must have foresecn the failure. He sent the archbishop of Canterbury, and bishop of Winchester, to attempt the conversion of his brother from popery to the church of England. The two prelates had a conference accordingly with James, and left him, as might be expected, as much a papist as they found him.* Upon the failure of their mission, the king explicity declared his wish to the duke, that he should withdraw himself from the kingdom. James, as before, when he retired from the council, said he was prepared against his own judgment to obey the king's orders, but with this condition, that they should be in writing.

This, however, was not the only stipulation. The duke of Monmouth, distinguished for his personal graces, for his gallantry in the camp and court, for the paternal affection of the king, had endeared himself to the people, and was suspected by James of an understanding with the opposition leader. Monmouth, presumptuous and weak, was easily made an instrument of intrigue or faction. An attempt had heen made some years before, by a person name Ross, who was Monmouth's tutor, to obtain from the bishop of Durham, then of advanced age, a certificate of the marriage of Monmouth's mother with the king, as a barrier against popery and the duke

* Life, &c. i. 53.

of York. The report of Monmouth's legitimacy was revived, or rather kept alive; the written proofs were said to be contained in a black box; and Monmouth himself had not only contrived the erasure of "natural" from the description of him as the king's son * in his patent of commander in chief, but allowed his health to be given in his presence as prince of Wales. †

James suspecting the designs of his enemies and of Monmouth in his absence, demanded from the king, in return for his own obedience, a solemn declaration, that he was never married to Monmouth's mother, or in other words, to any woman but the queen; and a pledge to assent to no bill in his absence, affecting his right of succession to the throne. The king complied; and his brother, who had been particularly required not to choose France for his place of exile, went to Brussels. He, however, renewed his relations with the king of France, through Barillon, on the eve of his departure.‡

A quarrel arose between the commons and the court at the very threshold. Seymour, unanimously re-elected speaker by the house, was rejected by the king. The commons took fire, but their anger was cooled by a prorogation of two days, and serjeant Gregory was elected through some secret compromise. The rejection of Seymour is ascribed to private pique on the part of Danby.

The house of lords resolved that the impeachments voted by the late parliament were not affected by the dissolution, and the commons, putting aside for the moment the popish lords in the tower, began proceedings against the treasurer.

Charles summoned the commons to attend him at Whitehall, told them that the inculpated letters were written by his express orders, that he had therefore granted Danby a full pardon, but at the same time,

* James discovered the erasure, complained to the king, and had the word restored.—*Life*, &c.

† Life, &c.

‡ Life of James, i. 530—541. Dal. App. 212—215, 216.

for other reasons, had removed him from the post of lord treasurer. The commons, enraged at this attempt to rob them of their prey, voted an address to the king, against the validity of a pardon before trial, and a message to the lords, demanding justice against Thomas earl of Danby. The lords, favourably inclined to Danby, had already begun to proceed against him by a mitigated bill of pains and penalties, and had issued their warrant for bringing him in custody to their bar. The treasurer was not to be found, and the search made by the usher of the black rod appears to have been by no means strict.*

The commons, thirsting for his blood, not only brought in a bill of attainder, but loosed against him the perjured tongues of Oates and Bedloe. After several conferences, the lords adopted the bill of attainder from the other house, and the unfortunate minister, thus chased for his life, constituted himself prisoner; appeared on his knees at the bar of the house on the 10th of April, five days within the time allowed by the bill of attainder or his surrendering himself to take his trial; and was sent to the Tower.

Few can read without disgust, in the scanty records of the debates of the house of commons at this period, the explosions of indignant virtue with which the whig pensioners of the king of France denounced the fallen minister.

The house of commons, having secured Danby in the Tower, took up once more with refreshed and relentless vigour the prosecution of the popish plot. It would appear that the lords surpassed them in zeal. Their committees, already furnished with blank warrants, were further empowered to arrest indiscriminately popish recusants, — and any who denied the plot. Oates and Bedloe were hallooed on by both houses in their blood-hound chace, and the prisons were filled with their victims. Articles of impeachment were voted by the

* Memoirs of Sir J. Reresby.

house of commons against the Roman catholic peers, and delivered at the bar of the house of lords by lord Russell. They were charged not only with the treasons of the popish plot, but with having procured the murder of sir Edmondbury Godfrey.

The fall of Danby had left the king without a minister. Lord Essex was placed at the head of the treasury, and lost the favour of the people, without gaining that of the king. Charles is said to have been chiefly advised or governed, since the ruin of the late treasurer, by lord Sunderland, now a secretary of state, his natural son the duke of Monmouth, and his mistress the duchess of Portsmouth.* He sent for sir William Temple, and after saying that he had no one about him to whom he could speak in confidence, since he had parted with Danby, requested his advice upon the formation of a new council of state. Temple soon produced a scheme of government, which proves him much more of a theorist than a statesman. It consisted of a privy council on a new model, which should supersede the old council of state. The new council was to consist of 30 members, one half of whom should be selected by the king from the officers of his court and government, the other chosen from the king's chief opponents in both houses. This mode of conciliating the opposition, flattered his love of ease and intrigue.

Another condition proposed by Temple was a still stronger recommendation of his scheme to Charles. The new council were to be worth at least 300,000*l.*, "so that they might out of their own stock, *upon a pinch*, furnish the king, so far as to relieve some great necessity of the crown."†

Barillon very happily called this body "an estate, and not a council." It was in truth a new estate in the realm ‡, wholly alien to government by parliament, and equivalent to a revolution in the executive adminis-

* Temple, ii.
† Id.
‡ Sir W. Temple himself calls it "a new constitution."

tration. The old council, it is true, consisted of fifty members, but the public measures and their execution were confided to a few persons, as in the cabal ministry, or to the chief minister and the two secretaries as in the recent ministry of lord Danby.

With respect "to furnishing the king upon a pinch," his being the debtor of his own council would have proved more mischievous, though less ignominious, than his being the pensioner of the king of France.

Lord Halifax had joined his uncle Shaftesbury against the treasurer, and his admission to the new council was strongly opposed by the king. It was Algernon Sidney, who gained him over to the opposition.* This intimacy and influence confirms the opinion that Halifax was a republican in early life; and the knowledge of his sentiments possessed by Charles and James, though he afterwards served both as minister, would account for the king's repugnance. Charles, however, yielded to the persuasions of the chancellor, Sunderland, Essex, and Temple himself.†

The next and more embarrassing question respected Shaftesbury. The three ministers of state who were joined with Temple in executing his scheme, were disposed from fear or favour, to bring him in. They knew that Temple was averse, and they took it for granted that the repugnance of Charles could not be overcome. To their surprise the admission of Shaftesbury was proposed by the king himself; from dread of irritating a spirit so turbulent, daring, and expert in the ways of faction.‡ Perhaps Charles was the more inclined to forget the sins of Shaftesbury and his own resentments §, from something congenial in their cha-

* Dal. App.

† Temple urged, among other reasons, that Halifax "had a talent to ridicule and unravel whatever he was spited at." — *Temple's Works*, ii. 495.

‡ Life of James, i.

§ Charles the year before, happening to speak of Shaftesbury with the most violent expressions of anger and dislike to sir William Temple, the latter replied: "'That, with his good leave, he would hold any wager, he should see that lord again in his business;' and when the king asked him, what made him think so? He answered, 'Because he knew he wi

racters. In wit, humour, artifice, and hypocrisy, each was the only rival of the other in their time; and Charles, who forgave Buckingham, knowing so well, that he was not alone negatively worthless but ungrateful and perfidious, could recklessly sacrifice both his resentments and his prudence to his humour and his pleasures.

Another question suggested itself, whether merely sitting as a member in a council of thirty persons would satisfy Shaftesbury; and the king met this difficulty by making him president of the council.

Among the opposition lords, besides the two already named, were Salisbury, Winchester, Worcester, Falconberg, Robarts, and Holles. The commoners were lords Russell and Cavendish, sir Henry Capel, Seymour, late speaker, and Powle.*

The people set no bounds to their joy upon this infusion of protestant and patriot zeal into the councils of the court. It was shared by the Dutch, who knew

restless while he was out, and would try every day to get in: had wit and industry to find out the ways; and when money would work, had as much as any body to bestow, and skill enough to know where to place it.'"

* The complete list stood as follows: His highness prince Rupert; William lord archbishop of Canterbury; Heneage lord Finch, lord chancellor of England; Anthony earl of Shaftesbury, lord president of the council; Arthur earl of Anglesey, lord privy seal; Christopher duke of Albemarle; James duke of Monmouth, master of the horse; Henry duke of Newcastle; John duke of Lauderdale, secretary of state for Scotland; James duke of Ormond, lord steward of the household; Charles lord marquis of Winchester; Henry lord marquis of Worcester; Henry earl of Arlington, lord chamberlain of the household; James earl of Salisbury; John earl of Bridgewater; Robert earl of Sunderland, one of his majesty's principal secretaries of state; Arthur earl of Essex, first lord commissioner of the treasury; John earl of Bath, groom of the stole; Thomas lord viscount Falconberg; George lord viscount Halifax; Henry lord bishop of London; John lord Roberts; Denzil lord Hollis; William lord Rus
majesty's
chief jus
first commissioner of the admiralty; sir John Erney, knight, chancellor of the exchequer; sir Thomas Chichely, knight, master of the ordnance; sir William Temple, baronet; Edward Seymour, esq.; and Henry Powle, esquire. The name of Buckingham, hitherto so prominent, does not appear in this list. The fact seems to have been, that his depravities in public and private life, made him despised or loathed by all parties but one, the more bigoted sectaries of whom he professed himself the patron, and who in return, veiled and sanctified his infamy.

and esteemed Temple,—more especially by the prince of Orange, who knew it to be one of Temple's chief objects to check the aspiring vanity of Monmouth, already viewed by that prince as a rival for the throne of England.*

The elements of dissolution soon began to act in this visionary scheme. Arlington and Lauderdale brought upon it the odium of popery and prerogative. Essex, at the head of the treasury as first commissioner, was counterpoised by Ernly and Hyde. Shaftesbury brought to it his restless ambition and intriguing genius, with the duke of Monmouth his instrument by his side; and Charles himself, disappointed in his selfish calculations of sensual ease and liberal supplies, was among the first to conspire its destruction.

There was another and main cause of failure. The opposition patriots were no sooner within the precincts of the court than their credit waned with the people; "so true is it," says a courtier of the time†, "that there is no wearing the court and country livery together." There may be exceptions; but they only prove the rule and justify the people. The rule assuredly does not go beyond the inductions upon which it is founded.

No change appeared in the temper of the house of commons. The selection of four popular leaders only incensed the many aspirants who were overlooked. Some went the length of treating it as a new juggle of the court in favour of popery and arbitrary power.

The new government was constituted on the 20th of April, and announced by the king next day to both houses. But neither house voted thanks for his majesty's speech; and the commons proceeded with unmitigated zeal in the impeachment of Danby and the popish lords in the Tower — whilst Shaftesbury, from the very bosom of the new council, aimed his memorable stroke of the exclusion bill against the absent duke of York.

* D'Avaux, vol. i. sub ann. 1679.
† Sir J. Reresby, Mem. p. 89.

The burning of a printing house in Fetter-lane, was not only charged of course upon the papists, but treated as the prelude to a general popish massacre of the protestants; the French fleet was said to be hovering on the coast, with an invading army to be commanded by the duke of York *; and, to fill up the measure of alarm, lord Cottington's body, it was said, after having lain buried many years in Spain, was passed through the custom-house by a warrant of lord Danby in the preceding year, pursuant to the last will of the deceased, that his remains should be so exhumed and transported upon the return of England to the communion of the true church.†

The house of commons, having resolved to take into consideration the means of preserving the king's life and guarding against a popish successor, voted that the popery of the duke of York encouraged the papists in their murderous and traitorous designs, and sent this vote to the lords for their concurrence, by a deputation with lord Russell at its head. The lords adopted it, but with a qualifying word, "unwillingly," on the part of the duke. ‡

The court was filled with alarm, and Charles, fertile and ingenious in expedients, proposed to satisfy the parliament by certain restrictions of the prerogative, temporal and spiritual, in case of a popish successor. The whole patronage of the church should be vested in protestant trustees; and the judges, privy counsellors, and officers of the navy, should be appointed or removed only with the consent of parliament. It was repudiated in the council from opposite views, by sir William Temple and Shaftesbury: by the one, as shackling the king's prerogative without the chance of contenting the commons; by the other, as composed of nugatory

* Alg. Sidney's Letters, 36. "We have," says he, "every day foolish alarms from the French fleet, and find none but lord Sunderland and myself that believe not one word of it."

† Id. 43.

‡ Alg. Sidney's Letters, 36.

bonds which the possession of the crown would enable a popish successor to break and spurn from him. The latter reason may have been urged in good faith; but nothing short of exclusion would meet Shaftesbury's views of placing the crown upon the head of the duke of Monmouth — or of a commonwealth.

The proposed restrictions were adopted in spite of Shaftesbury by the council, but rejected through his influence and intrigues by the house of commons, and the famous bill of exclusion read a first time on the 15th of May. It provided in substance, that James duke of York should be incapacitated for the succession to the crown; that the crown should pass to the next heir being a protestant, as if the duke were dead;* and that any attempt by himself or others "to make him inherit," should be high treason. It was read a second time on the 21st of May, by a majority of 207 to 121.

There are but imperfect and sometimes unintelligible notices of the several debates on this subject. It turned upon the broad and beaten question of indefeasible succession, and the powers ordinary and extraordinary, according to circumstances, of parliament. The majority in the house of commons is said to have been produced by a manœuvre of Shaftesbury.* He made a pretended confidence to the opposition dupes in that house, that the king, in his excessive tenderness for Monmouth, wanted only a good excuse to prepare for his succession, by the exclusion of the duke of York. His affection for Monmouth seems to have been excessive, and, perhaps, the more infatuated, that there were some reasons to doubt whether Monmouth was really his son.† The influence thus possessed by Monmouth, combining with his indolence, might bring him to sacrifice his brother's rights; and

* Temple, Mem. See in Dal. App., Bar. Lett., the aspirings even of Buckingham to the succession; and the intrigues of Montague, &c.

† Monmouth's marked resemblance to colonel Sidney, brother of Algernon, of whom Mrs. Barlow, or Lucy Walters, was the mistress, until she left him for the king, is mentioned by James, (i. 490, &c.) with other rather curious circumstances.

this impression of a keen observer, Barillon*, is confirmed by James himself†; but as yet Shaftesbury's representation was merely probable, not true.

James, in his exile, was more alarmed by the restrictions than by the exclusion bill. He wrote the king a letter of thanks for his kindness, and the most earnest advice to resist the exclusionists boldly, as he valued his crown.‡

Charles would have allowed the bill to proceed to its doom in the house of lords if the commons did not press measures which touched him personally and more nearly. They persisted in denying the validity of the king's pardon to the lord treasurer as a bar to impeachment; and came to a resolution that the lords spiritual had no right to sit as judges in any stage of a capital trial. The first point, if decided for the admission of such a plea, would make the impeachment of a court favourite a mockery, but was doubtful in law before the act of settlement.

The lords, in answer to the commons, fixed a day for hearing Danby by his counsel. Upon the second question, it was scarcely less clear that the bishops, by their votes on preliminary matters, influenced and shared in the final judgment; but the lords came to a resolution that the bishops might sit and vote in every stage but the last.§ The king's prerogative of pardon before trial, and his majority respecting Danby in the house of peers, were thus shielded by the interposition of that house.

The commons made a third assault, which the lords could not parry. It was discovered casually by a committee of the house, charged to examine the accounts of the late treasurer, that several sums were annually paid under the denomination of the king's bounty, or secret service money, to members of the late parlia-

* Dal. App. 265, &c. † Life, &c i. 592, &c.

‡ See an extract from James's MSS. Letters, in Life, &c. i. 251, &c. It will be perceived from it that he contemplated a civil war. See also his letters from Brussels to the prince of Orange, Dal. App. 220, 221.

§ The bishops absented themselves in the last stage, with a saving of their right by protest.

ment, by the hands of Bertie, an officer in the excise, and sir Stephen Fox, treasurer of the navy, and a member of the house.

Bertie was questioned at the bar, refused to answer without the king's permission, and was committed to the custody of the sergeant at arms.

Fox, more timid, or less generous, expressed his readiness to produce his books, which were kept at Whitehall. A deputation was appointed to attend him to Whitehall, and bring his books of accounts and receipts for secret service money. "Remember," said sir John Hotham, "where you are to go, and make no order to seize or search, but take what he will give you." "Whitehall," said Williams, "may be a sanctuary for these concealments; but no place is sacred against your search. I would not have that pass for doctrine." Upon their arrival at Whitehall, Arlington, the lord chamberlain, who was already aware of this expedition, though voted with closed doors *, said peremptorily at first, "You shall not take any books or papers away out of Whitehall," but upon reflection, softened down his resistance to a declaration that he dared not allow any books or papers to be removed or inspected without the king's order, which he believed would be given if requested by an address.

They returned to the house without the books; and Fox, having heard the list of members read, by way of assisting his memory, named twenty-seven members of the late parliament, beginning with the speaker Seymour, who received secret pensions varying from 1500*l.* to 2000*l.* a year. Seymour, distinguished more by his arrogance than his integrity, rose with great anger, and defended his 1500*l.* a year, under the name of secret service, as a gratuity from the king, his private fortune not being adequate to support his rank as speaker. The commons resolved to follow up the inquiry by the examination of witnesses.

* Parl. Hist. iv. 1139.

The council was divided into two parties, the one, headed by Sunderland, Halifax, and Essex, called the triumvirate, the other by Shaftesbury. They had a majority in the council, but he could wield against them the more formidable majority of the house of commons. It became manifest to them that the late movements of that house were directed by him, and that nothing short of the most complete ascendant in the council and the court, as well as in the house of commons, would satiate his ambition, or suit the audacity of his projects. They advised the king to defeat him by proroguing the parliament.

It was resolved that this bold measure should have the sanction of the council, in which the triumvirate could command a majority. But the commons, meanwhile, were preparing a vehement remonstrance.* An address of thanks to the parliament had already received 100,000 signatures in the city of London†, and Charles, without advising with his counsellors, or waiting for his attendants, proceeded to the house of lords, commanded the commons to attend him, and prorogued the parliament to the 14th of August.

Both houses were taken by surprise: the exclusionists were astonished and enraged, and Shaftesbury went so far as to declare, in the house, that he would have the heads of those who had given this counsel to the king.‡ Charles appears to have lost on this occasion his usual self-possession. His speech is short and incoherent.§

The habeas corpus act, which British subjects justly regard as the great safeguard of their personal liberty, was passed in this session, to the honour of the parliament, and, above all, of Shaftesbury. It was introduced by him in preceding sessions, and abandoned, or put aside, in favour of other measures or topics more in unison with the passions of the time. From the

* See the copious account given by Temple.
† Sidney's Letters, 74.
‡ Temple, ii.
§ Parl. Hist. iv. 1149.

scanty notices of it in the proceedings of the parliament, it may be inferred that its importance was not felt*, except by the sagacious Shaftesbury; so much more do men, especially in masses, estimate things by passion than by reason.

The writ of habeas corpus was already a known right at common law. It was by it that the imprisoned "refusers" of the forced loans of Charles I. were brought into court.† But the prostitute ingenuity of lawyers, the shameless iniquity of judges, the audacity and violence with which the minions of authority sent its victims beyond the jurisdiction at the critical moment, rendered it too often nugatory. The provisions of the act are so apt and stringent as to preclude abuse or evasion, and so familiar to all that it is wholly needless to refer to them.

Whilst England was thus a prey to the rage of faction and the vices of the court, Scotland was the scene of persecution, murder, and civil war. The rapacious and cruel Lauderdale,— the apostate Sharp archbishop of St. Andrew's, — were suppressing conventicles and converting the people by confiscation, fire, and sword. This led, in the first instance, to the murder of the unfortunate archbishop, in open day, by a band of barbarous fanatics, whom fanaticism and their despair soon swelled into a body of insurgents. A trifling victory near Glasgow, over a detachment of horse commanded by the famous Dundee, acting upon rude minds and the wildest enthusiasm, soon rendered the insurrection so formidable as to alarm the court; and Monmouth, the commander-in-chief, was ordered to Scotland, with a sufficient force to quell the rebellion. The Stuarts, bad in so many other respects, were not persecutors; and Monmouth, privately instructed by the king to act with the utmost mildness

* Some conferences on it were held by both houses at the close of this session, but chiefly respecting amendments of the lords, to which the commons agreed. Charles gave his assent to it when he came to prorogue the parliament, but made no allusion to it in his speech. It was soon found such a curb upon arbitrary power, that James could not forgive Shaftesbury in his grave.

† See vol v chap. 3.

consistent with his objects, having defeated the insurgents at Bothwell-bridge, followed up his victory with so much clemency and prudence that the peace of Scotland was soon restored; and the persecutors reproached him with his successful humanity.

In England, meanwhile, the scaffolds of the popish plot were dripping once more with innocent blood. No one, at least but few at the present day, could wade through these horrors, even in imagination, without disgust, and the details may be spared the reader. Pickering, one of the convicted jesuits, was so clearly innocent of all but being one, that his execution was respited. The house of commons extorted it from the king.* Whitbread and Fenwick, who after having been arraigned at the bar were so scandalously put aside by the crown lawyers and the chief justice Scroggs, until the unforeseen want of a second witness should be supplied and they might be sacrificed in due form, were now placed at the bar with three other jesuits, named Harcourt, Gavan, and Turner. Oates, Bedloe, Prance, who acquired more effrontery as he became more practised, and Dugdale, a new recruit, who had been servant to lord Aston a catholic, and dismissed by him, were the witnesses to prove against them their participation

* The following account of his death is given in the State Trials, vii. 143, 144. "The execution of Thomas Pickering was respited for so long a time, that it occasioned an address of the house of commons, April 27. 1679, 'That his majesty would be pleased to order the execution of one Pickering, a prisoner in Newgate, and of divers priests and jesuits, who had been condemned by the judges at the Old Bailey and in the several circuits, but did remain as yet unexecuted, to the great emboldening of such offenders, in case they should escape without due punishment.' To which the king returned this answer. 'Gentlemen, I have always been tender in matters of blood, which my subjects have no reason to take exceptions at; but this is a matter of great weight; I shall therefore consider of it, and return you an answer.' May 25th, the king sent a message to the house, by lord Russell, to let them know, that he would comply with their request concerning Pickering, and that the law should pass upon him. He was accordingly executed in pursuance of his sentence. Arriving at the place of execution, he appeared to the spectators (after a manner very unusual to persons in his condition), with a countenance not only calm, sweet, and serene, but even cheerful, smiling, and pleased, solemnly protesting, upon his salvation, he was innocent in thought, word, and deed, of all that was laid to his charge. Then heartily praying for his accusers and enemies, he said to the hangman, 'Friend, to thy office;' and soon after left the world."

in "the consult," to assassinate the king. The main particulars, sworn by them, especially by Oates and Bedloe, were contradicted by the most conclusive of all testimonies, when the witnesses are of credit, an *alibi*. * The prisoners, nevertheless, were declared guilty, and put to death, protesting their innocence to the last moment on the scaffold.

Langhorn, a Roman catholic barrister accused of being a chief accomplice in the plot, was next put upon his trial. Oates and Bedloe, the witnesses against him, were contradicted by others and by themselves. He too, as a matter of course, was condemned and executed. †

The next trial was that of sir George Wakeman, with three Benedictine Monks named Marshall, Rumney, and Corker. The main charge was conspiring to poison the king, at the instance of the queen. Oates, the chief witness, contradicted, as usual, his former evidence, and made battle upon his cross-examination by the prisoners with adroitness and effrontery, until the appearance of sir Philip Lloyd, clerk to the council. That officer swore that Oates, before the king and council, in reply to the chancellor, protested before God he new nothing against Wakeman but by hearsay from a third person, adding, "God forbid I should say any thing against sir George." Oates, who now swore at the trial on his own knowledge as an eye-witness, defended himself by saying that when examined before the council he was fatigued and ill. ‡

The chief justice Scroggs, influenced by the connection of the queen's name with the trial of her physician, and

* The witnesses were sir John Southcot, his son, and daughter, several other persons of the highest credit, and fourteen English students, the sons of respectable catholics brought over from St. Omer's. Three of these students were taken up by sir William Waller, as papists, confessed their business in London, and thus enabled Oates to prop up his perjuries

† Pemberton in these trials behaved with still more indecency to the prisoners and their witnesses than Scroggs.

‡ Wakeman urged, in proof of his innocence, that he was allowed by the council to go free 24 hours after the first charge; to which Oates had the impudence to reply, that "it was a council which would not commit any body."

perhaps by some touches of humanity and reason*, acted with a certain degree of fairness, and the prisoners were acquitted. †

These acquittals, if credit may be given to writers biassed in favour of the court‡, were a thunder-stroke to the patrons of the plot. Of the facts given by them in proof there is no doubt. Wakeman was frightened out of the kingdom by the menace of a second trial §; the three Benedictines were sent back to Newgate upon a fresh charge of treason, in the fact of having officiated as popish priests; the chief justice and the jury were tainted with the imputation of popery; and the former was soon after formally accused before the council of high crimes and misdemeanours, in discrediting the plot and the king's witnesses, by Oates and Bedloe. Scroggs defended himself with spirit, treated his accusers with scorn, and completely vindicated himself.

The parliament during this time was under prorogation, and it became a question of the deepest interest to parties and the court, whether it should be re-assembled, further prorogued, or dissolved. The three lords, Essex, Halifax, and Sunderland, Temple, and the king himself, fearing the influence and prowess of Shaftesbury, with the house of commons at his disposal, agreed to dissolve the parliament, but with the sanction of the council, in which they counted on a majority.

Charles promised Temple, and the triumvirate so called, to secure the majority by previous and private conference with individual members; but, from habitual indolence, or habitual deceit, did not keep his word. The council, taken by surprise, declared against it; upon which Charles, who was already weary of Temple's

* North says, in his "Examen," that the change in him was wrought by being told by the lord keeper that Shaftesbury had no more influence with the king than his footman with him.

† The chief justice had no sooner ended his summing up, than Bedloe, as impudent as his colleague, charged Scroggs with having misstated his evidence.

‡ North's "Examen."

§ The object was to have a pretence for representing his flight as a proof of his conscious guilt.

scheme, ordered the chancellor to prepare a proclamation declaring the parliament dissolved.

The immediate result was, that "the council," says Temple, "broke up with the greatest rage in the world of the lord Shaftesbury, lord Russell, and two or three more, and the general dissatisfaction of the whole board." * It was perhaps the object of the pretended negligence and real perfidy of the king.

The duke of York, meanwhile, with his rights in peril, continued at Brussels, impatient of his exile, and importunate with the king for leave to return. Charles yielding to the advice of the triumvirate and his own selfish fear of the consequences, postponed rather than refused compliance, until the month of August, when he was taken seriously ill at Windsor castle.

Essex, Halifax, Sunderland, Hyde, Godolphin, and the duchess of Portsmouth, afraid of the projects which the king's illness might suggest to the fearless and impatient ambition of Shaftesbury, and the aspiring weakness of Monmouth, arranged in secret the return of the duke of York; and suggested it to Charles without apparent concert. The duke was accordingly permitted by his brother to return, as if without leave, and on the condition of going back, and arrived post haste in disguise † at Windsor.

Monmouth, at this time in the fulness of royal favour and his hopes, could not conceal his mortification on the sudden appearance of his rival, and vowed vengeance against the cabal which had recalled the duke. That cabal, to guard themselves against the use which Shaftesbury might make of his vanity and resentment, felt the prudence of being relieved from his presence, and persuaded the king to order him also into exile. Thus Monmouth, by a sudden and capricious turn of court fortune, was deprived of his command, proceeded to Holland, and was received very coldly, at first, by the

* Temple, ii 512.

† Carte's Ormond, ii. 493. The cabal, the duke, and the king, acted surprise so naturally as to dupe sir W. Temple. —*Works*, ii. 514.

prince of Orange *, who saw in him a rival aspirant to the English throne.

The duke of York at the same time returned to Brussels, but with permission to exchange the Netherlands for Scotland as his place of exile. This change was a grand point gained by him against the exclusionists. The bill could not affect his succession to the crown of Scotland: and a large portion of the warlike and resolute people of that kingdom would support his English rights against an English statute by force of arms.

The elections, as might be expected under the circumstances of the dissolution, went against the court. † Charles, anticipating the temper of the new house of commons, commanded the lord chancellor in council, to prepare the royal commission for a prorogation of

* D'Avaux, i. 24, &c.

† Sir W. Temple stood for Cambridge, and mentions a circumstance worth notice, respecting his election. He was opposed by the bishop of Ely, on account of his chapter on religion in Holland, from a suspicion that he was favourable to such a toleration as that allowed by the Dutch. The following passage from the chapter referred to, which scandalised the Christian zeal of the Cambridge divines, will now be read as containing only eloquent truisms, but at the time when it was first published deserved letters of gold: — "It is hardly to be imagined, how all the violence and sharpness which accompanies the differences of religion in other countries seems to be appeased or softened here, by the general freedom which all men enjoy, either by allowance or connivance; nor how faction or ambition are thereby disabled to colour their interested and seditious designs with the pretences of religion, which has cost the christian world so much blood for these last hundred and fifty years But in this commonwealth, no man having any reason to complain of oppression in conscience, and no man having hopes, by advancing his religion, to form a party, or break in upon the state, the differences in opinion make none in affections, and little in conversation, where it serves but for entertainment and variety. They argue without interest or anger; they differ without enmity or scorn; and they agree without confederacy. Men live together like citizens of the world, associated by the common ties of humanity, and by the bonds of peace, under the impartial protection of indifferent laws, with equal encouragement of all art and industry, and equal freedom of speculation and inquiry; all men enjoying their imaginary excellencies and acquisitions of knowledge, with as much safety as their more real possessions and improvements of fortune. The power of religion among them, where it is, lies in every man's heart. The appearance of it is but like a piece of humanity, by which every one falls most into the company or conversation of those whose customs and humours, whose talk and dispositions, he likes best: and as, in other places, it is in every man's choice with whom he will eat or lodge, with whom go to market, or to court, so it seems to be, here, with whom he will pray or go to church, or associate in the service and worship of God: nor is any more notice taken, or more censure passed, of what every one chooses in these cases than in the other." — *Temple's Works*, i. 180, 181.

twelve months; — again taking the council by surprise. The members looked astonished, and some would speak; but Charles peremptorily commanded silence and obedience. He at the same time removed Shaftesbury from the presidency of the council, and supplied his place with lord Robarts, afterwards earl of Radnor.

The king, upon this, was applauded by one party for his spirit. Even those who were most opposed to him, admitted that he displayed a degree of energy which they could not reconcile to his character. But, in viewing the conduct of this prince, every appearance of virtue should be a motive for suspicion. It is but a fair mask, the removal of which discovers some new deformity.

Charles, in the beginning of the year, had endeavoured to renew, through Barillon, his hireling dependence upon the French king,—avowing that he preferred it to dependence upon his people.* Louis thought it more his interest at that moment to distract and weaken the nation, and degrade the government by means of the opposition leaders, whom bribery or party zeal had made his tools, and rejected the offers of the king.† Charles, in the course of the year, shifted the blame of his previous insubordination upon his brother and lord Danby; begged of Louis to rescue him from the new council and the parliament; and conjured him to take advantage of the crisis, and make England dependent upon him for ever. ‡

* Barillon in Dal. App 209, 210. "Qu'il aimait mieux dependre de votre majesté que de son peuple." It was probably suspicion of this intrigue that produced the order of the new council, that foreign ambassadors should not speak to the king without the previous formality of asking an audience. (Dal. App. 229.) The king and Barillon, upon this, met in secret. (Ibid.)

† Id. ibid. 210, 211.

‡ Id. ibid. 230. The words cited by Dalrymple from Barillon's despatch in the French archives are, "Le (la) fin de ce long (longue) discours fut de me presser de représenter à votre majesté ce qui s'est passé ici, et de le (la) conjurer de sa part de vouloir mettre pour tout (e) sa vie l'Angleterre dans sa dépendance." In another letter Barillon says, "dans sa dépendance pour toujours."

A pencilled note by a late eminent writer, in a copy of Dalrymple, which passed through his hands, questions whether the "sa dépendance" was not that of Charles himself — not of Louis, as it is translated by Dalrymple. But Dalrymple is borne out by the usual forms of the French language. The king's majesty is introduced as a third person, to avoid the familiarity

The tone of Charles was now more abject; and the French king, having him at his feet, was more disposed to listen to him. The business was managed by Charles, Sunderland, the duchess of Portsmouth, the duke of York, and Barillon. Sunderland asked fourteen, the duchess of Portsmouth and Charles himself descended to nine, millions of livres, to be paid in three years. Louis pleaded his own wants; upon which James, in his eagerness for a treaty which would postpone the meeting of parliament, offered to supply the means of pensioning his brother *, and sent Churchill, afterwards the famous duke of Marlborough, to forward the bargain at the French court.

Barillon offered a present sum of 500,000 crowns instead of the pension, and informed his master that he might have "*carte blanche*" from Charles in all but the amount of money. It was finally arranged that Louis should allow him a yearly pension of 1,000,000 livres for the next three years, and that he should not call a parliament during that period.

Hyde was let into the secret in the course of the treaty, trembled at his position, and communicated his fears to Sunderland. A marginal note, made by Barillon on the article which bound each prince to make no league during the three years' treaty without the consent of the other, afforded them a pretext for breaking it off. The Frenchman, acting with excusable presumption, upon his opinion that Charles would yield any thing for money, appended, by way of explanatory note, "That is to say, his most christian majesty will make no *offensive* league." Louis, upon being referred to, would not abandon this condition; the two English ministers broke off the treaty already drawn.† Charles, to avenge

of the second. This barbarism of style, brought by the servilities of feudalism into the languages of Europe, confuses language, and offends common sense. The Romans, in their debasement, outraged reason, with "Divus Augustus," "Divus Claudius," &c, but did not admit into their language the barbarism of "Divinitas vestra."

* Dal. App. 237. † See a copy of it in Dal. App. 243.

himself on Louis, made advances to the Dutch*, and formed a defensive alliance with the court of Spain.

Louis, on his side, fell back upon his alliance with the popular party, and ordered Barillon to give him a more particular account of them. The ambassador, in reply, describes lord Holles as a person of the greatest consideration with all parties, especially the presbyterians, willing to serve Louis, but too scrupulous to accept the present of a diamond-mounted snuff-box, unless with the knowledge of his own sovereign †, to which Barillon would not consent. Baber, Lyttleton, Powle, and Harbord, useful, he says, from their influence respectively with the presbyterians, the house of commons and the country gentlemen, had "touched" the sums promised them upon the disbanding of the army‡ and the fall of the lord treasurer. He calls Algernon Sidney, a soldier of the commonwealth, the natural enemy of the court, having the highest credit with the independents, of unchanging purpose, and capable of being very useful, if affairs in England came to extremity. Montague is described as impatient and clamorous for the sum promised him, as soon as he should have caused the ruin of Danby §; yet, willing to continue his own and his sister's services ||, in gaining members of parliament, and embarrassing the court; and suggesting that the effect of a large bribe might be tried with success upon Shaftesbury. But Barillon, familiar as he was with English corruption, pronounces Shaftesbury incapable of being warped by money from his party engagements to the exclusionists, and his own views in favour of the duke of Monmouth or the prince of Orange; or, "perhaps," says the Frenchman, "his secret purpose of establish-

* See D'Avaux and Ralph, 487.

† Hollis, to reconcile his scruples with his acceptance of the present, suggested that the king should be told it was given because no present had been made to him at the termination of his embassy in France; but Barillon rejected the pretence as too flimsy to blind Charles.

‡ This operation, which had been an object of so much contention between the opposition and the king, passed almost without notice.

§ Barillon contended that the treasurer was not wholly ruined, and postponed payment.

|| Lady Hervey.

ing a republic, to be himself its chief." Buckingham is described as having lost his influence in parliament, and, like Montague, discontented at the postponement of his promised bribe.

It may be observed from the foregoing, that the prevalence of English faction and corruption appears to have suggested to Louis at this moment more than the mere purpose of embarrassing the government of Charles. Barillon, referring to Sidney, expressly supposes, "that affairs in England might come to extremity;" and says that Buckingham, though sunk in credit, might be useful with the mob "in troubled times;" "for they are not," says he, "well-regulated minds that produce the most striking popular effects." The aspect of affairs really boded civil war.

The party engine, called the popish plot, began to lose something of its terrible force. The dying protestations of the victims, the infamy of the witnesses, their self-contradictions, the absurdity of their stories, began to open the eyes and touch the hearts of the people. But the trade of perjury was too lucrative to be easily abandoned.

A young man, named Dangerfield, of profligate life, branded as a felon with several convictions, was encouraged by the success of Bedloe, whom he knew, and got up a new imposture, called the meal tub plot. A meddling woman, named Cellier, who visited prisons, and was a charitable confidant of court ladies, found him a prisoner for debt. and mentioned his case to lady Powis. That lady quickly released him, and was gratified, first, by his conversion to the church of Rome; next, by his discovery of a plot against the king's government and life, contrived by the presbyterians. He charged colonel Mansel as the chief traitor, and procured the seizure in the colonel's chamber of a treasonable paper placed there by himself. He was brought into the presence of the king and his brother, and received money from both for his information.

Mansell soon exposed the imposture, and Dangerfield

was sent to prison. Upon this new turn of affairs, he shifted his accusation from the presbyterians to the papists; declared that he was induced by Mrs. Cellier and lady Powis to charge a fabricated plot upon the former, as a cover for the real one of the latter; and directed a search for documents which lay at the house of Mrs. Cellier, hidden in a meal tub, where, it soon appeared, they must have been placed by himself.

The infamy of the informer, and the clumsiness of his fabrications, made this interlude go off without bloodshed. The bill against lady Powis was ignored by the grand jury; Mrs. Cellier was acquitted at the Old-Bailey; and each of the two great parties represented Dangerfield as a tool of the other.

The truth seems to have been that each party was ready to employ him against the other, but that he was first instigated by neither, and that he indifferently levied contributions upon the credulity and mutual antipathy of both. *

But the exclusionists employed other and little less excusable arts. Popery was burlesqued, and the murder of Godfrey re-enacted in effigy by a procession with torch lights; whilst many thousands shouted vengeance against the papists. A libellous pamphlet, entitled, "An Appeal from the Country to the City," one of the most daring and inflammatory to be found in the English language, denounced the papists as ready to fire London, and deluge the streets with blood; the duke of York as the slave of Rome and France; the king as a Claudius; the queen as an Agrippina, with her poisoner Wakeman; and the duke of Monmouth as the sole hope of the

* He declared at the council board that he had several interviews with lord Shaftesbury, and produced two letters addressed to Shaftesbury from Brussels, by Bulstrode; but the letters contained nothing material, and an adept in robbery might have obtained possession of them without having ever seen him to whom they were addressed. An informer, named Baldron, got up a somewhat similar plot in Yorkshire. The persons implicated were, sir Thomas Gascoigne; his daughter, lady Tempest; his nephew, named Thwinge; sir Miles Stapleton, and a gentleman named Ingleby — who were acquitted, with the exception of Thwinge, who was convicted and executed, though no doubt equally innocent.

nation; "for," says the pamphlet, "he who has the worst title makes the best king."

The publisher, named Harris, when proceeded against, boasted that "he had thousands to stand by him." He was cheered by the multitude on his trial, and was found by the jury guilty only of selling the book. The court declared this verdict unmeaning; a general verdict of guilty was returned; and the prisoner suffered the punishment of imprisonment and fine.

At the same time, petitions from all quarters of the kingdom, and all classes of the people, solicited the meeting of parliament.

The most important of these was one presented by seventeen peers to the king. The court took alarm; a proclamation against petitions improperly subscribed or presented was addressed to all magistrates; the law on the subject was interpreted by the chancellor to the lord mayor and aldermen of London; and offenders were threatened with the utmost rigour of the law.

Charles affected to recognise the right, whilst he condemned the manner, of the petitioners, but really destroyed the substance by his restrictions of the form, and the artful generality of the language of his proclamation.

No fear of punishment checked petitioners inflamed and actuated by adroit and daring party leaders; and the court was driven to the antagonist stratagem of counter-petitions. The first trial was made in London, the fountain-head. A counter petition was not voted; but the corporation resolved that the subject matter was "not proper for them to meddle with," — and was graciously harangued by the king at Whitehall.

Other corporate bodies followed this example. The partisans of the court, emboldened by their success, canvassed for counter-petitions; and several places, from which petitions had emanated for a parliament, now disclaimed, detested, and abhorred those pretended petitions in their names, and pledged themselves to defend the

king, his lawful successors, and the protestant religion, against all opposers.

The one party was now called the petitioners, the other the abhorrers. There was, on both sides, passion and good faith, artifice and imposture. The duped party was, as is usual, the mass of the people.

Charles now took a resolution, which perhaps he would not have taken without the encouragement which he received from the abhorrers—he further prorogued the parliament.

1680. Some important changes took place, meanwhile, in the council and the court. The removal of Shaftesbury from his seat in the council was soon followed by the resignations of Russell, Cavendish, Capel, and Powle. Charles accepted them with ungracious alacrity.* Even Halifax and Essex received some disgusts or disappointments, which made the one retire to his country-seat†, and the other resign the chief commissionership of the treasury. Both, however, continued members of the council.

Two persons, who thenceforth acted a more conspicuous part in this and the succeeding reigns, Lawrence Hyde and Sydney Godolphin, were promoted, the one to the first commissionership vacated by Essex, the other to the council board. They were remarkable men; and portraits of them have been transmitted by more than one contemporary. Hyde, second son of lord chancellor Clarendon, united plodding assiduity with quick perception, — excessive presumption with talents little more than moderate, — ungoverned passion, indulgence in wine, and, habitual swearing, with the profession of devoted zeal for the church of England, — and soon became the acknowledged head of the high church party. Godolphin, risen from a page at court, combined the accomplishments of a courtier with the acquirements of a scholar, was reserved and adroit,

* His answer is said to have been, "With all my heart."
† Temple, ii. 520.

and alike expert as a politician, a man of business, and a gamester.

Another important change was the recall of the duke of York from Scotland * immediately after the long prorogation. His rival, Monmouth, felt the influence of his presence. The story of the king's marriage abroad to Lucy Walters, the legitimacy of Monmouth, and the careful preservation of the marriage register or contract in a black box, was revived by the party of Monmouth to wound the duke of York, — or by the friends of the latter † to obtain a more solemn repudiation from the king. Several persons, named as witnesses in support of the marriage, — among them sir Gilbert Gerard, the supposed possessor of the black box, — were examined before the council, and disclaimed all knowledge of the marriage or the box: upon which the king formally repeated, and called God to witness, that he had never married Lucy Walters, called Mrs. Barlow, or any woman but the princess Catharine of Portugal. ‡

Shaftesbury retaliated on James by a party-stroke distinctive of his genius. He proceeded to Westminster hall, accompanied by several lords and gentlemen, among whom were lords Russell, Cavendish, Grey of Wark and Brandon, sir Edward Hungerford, and sir Gilbert Gerard; and presented the duke of York to the grand jury of the county of Middlesex as a popish recusant. The judges defeated him by immediately discharging the grand jury. But this fearless stroke was not the less effective for its purposes; it pledged a small but

* The conduct of James, at this time in Scotland, appears to have been prudently moderate and impartial, and religiously tolerant (See Life, &c. i. 580 Dal App. 250, 251.; and lord Dartmouth's note in Burnet, ii.)

† Letter to a Person of Honour concerning *The* BLACK BOX.

‡ The story was repeated, and the marriage asserted, in print (Letter to a Person of Honour concerning The BLACK BOX), with as much confidence as ever; and lord Halifax has recorded, in the MS. notes bearing his name, that sir Henry Capel said to him, "the king was as surely married to the mother of the duke of Monmouth as his (Capel's) father was married to his mother." — *Halifax MS.* belonging to the papers of Mr. Fox, and cited in his Historical Fragment.

powerful band of lords* and commoners to a war *ad internecionem* against the succession of the duke; and not only inflamed the popular passions, but imparted to the nameless mob of partisans the courage of their leaders.†

Faction, doubtless, was the chief motive to this act, but not the only one; and however odious in principle and operation the popery laws, the spectacle of the king's brother and heir presumptive constrained to the same obedience by the same ordinary process as the meanest subject of the realm, was a salutary and noble lesson given by Shaftesbury to the people. It taught them the supremacy of the laws, and strengthened in them the sentiment of public and equal liberty as their birthright.

The king, as if he had neither care nor interest in the midst of this turmoil, retired from Whitehall to pass the summer in listless amusements at Windsor. The failure of his money-bargain with the king of France obliged him to meet the parliament on the 21st of October. A question presented itself to him and his chief advisers, whether the meeting of parliament did not render necessary the absence of James. The return of the duke to Scotland was secretly advised by Halifax, Sunderland, Essex, Godolphin, from secret views of court ambition; by the duchess of Portsmouth, from the dread of Shaftesbury, who had menaced her with impeachment for treason, and denounced her as a public nuisance‡; — and the king, preferring, as might be expected, his own ease to his brother's interests, suggested to James the prudence of retiring.

The duke remonstrated, appealed to the council board, and was supported by eleven out of eighteen votes, from ignorance, probably, of the resolution taken by the

* "Lord Russell," says lord Halifax in the MS. notes before cited, "told me 100,000 swords would be drawn against the duke of York, and his should be one."

† Temple, ii. 530.

‡ Life of James, i. 591.

king, his four confidential advisers*, and his mistress. Charles overruled the opinion of the majority, and on the day before the meeting of parliament James left London, breathing angry distrust of his brother's purposes and character, cherishing projects of vindicating the prerogative and his rights by force of arms, and taking measures to ensure himself the support of the king of France. †

Louis, on his side, instructed Barillon to offer James secret aid if he raised a civil war in Scotland and Ireland; to tempt Charles with the offer of money; and to stimulate by every artifice of intrigue, and bribery, the opposition of the popular party to the court. ‡ Charles was ready to sell himself indifferently to the French king, or, to the parliament, at the highest bidding. He offered, through Sunderland and the duchess of Portsmouth, to the leaders of the opposition every thing which should be demanded by the parliament, "provided he were supplied with the means of subsistence." §

"What I write to your majesty," says Barillon at the close of his despatch, "will doubtless appear very extraordinary; but England is unlike every other country." || This remark is pregnant with matter of reflection for the English student of the history and government of his country. He cannot contemplate, without disgust and shame, the king, the court, party chiefs, the parliament itself, bartering their own and

* The debate ran high at the council board. Seymour, late speaker, said that those who would send away the duke to please the people, would on the same pretence send away the king; upon which Godolphin, with affected and artful vehemence, replied, "that if the duke did not go then, he must in a fortnight, and the king along with him." — *Life of James, &c.*

† Barillon's Despatch, Dal. App. 265, &c. The duke appears to have apprehended an impeachment, for he requested from the king, at his departure, a pardon, like that of lord Danby, and was refused it. — *Life of James, &c.* i. 597. *Anglesea's Minutes of the Council, Oct.* 15., 1680.; — *Dal. App.* 268, &c.; and *Barillon's Letter*, Ibid. 269, &c.

‡ Barillon, again naming Algernon Sidney, describes him as "un homme de grandes vues et de desseins fort elevés qui tendent tous à l'établissement d'une république." Among the leading chiefs he names William Pen, "chef des trembleurs." — *Dal. App.* 282.

§ Pourvu qu'on le mette en état de subsister. — *Ibid.* 279.

|| Id. ibid.

the nation's honour by venal compacts with a foreign prince.

But there are some redeeming traits. The blind passions of the multitude were combined with a free and fearless impatience of slavery, temporal or spiritual. —Among the popular leaders, public virtue and generous zeal were combined with party spirit and selfish faction.

It is the court alone that presents the spectacle of unrelieved infamy. Charles II. appears to have imparted his own baseness, not only to his court, but to his administrative government, — if the name of government should be given to a knot of intriguing politicians and the king's mistress. How different the aspect of England under the restored monarchy and that decried commonwealth, which, with all its faults, — even with the usurpations of Cromwell, — was a grand type of the mental and moral genius of the nation!

The session was opened on the 21st of October by the king, with a speech chiefly remarkable for having been delivered by him from a written paper. A precaution suggested by his fear of trusting to his memory on a critical occasion, when omission or verbal alteration might be of dangerous consequence, led to a practice which has since greatly extended the freedom of parliamentary debate. The speech from the throne, thus read, came to be animadverted on, as the speech of the minister, not of the king. Serjeant Williams was chosen speaker.

The great feature of this session is the bill of exclusion. Both houses voted the continued existence of the popish plot, and addressed the king for his free pardon to all persons who should, within four months, come in as "*discoverers.*" The pretence for thus scandalously corrupting penal justice at its source, was, that discoverers had been intimidated from disclosing their knowledge during the recess. The commons did not disdain to examine at their bar the informer Dangerfield, branded with felon convictions, and denied credit by more than one jury. He charged the duke of York

with having instigated him to fabricate the presbyterian plot, and assassinate the king.

There is something abhorrent in the association of Dangerfield's name with that of lord Russell. On the 26th of October, the informer delivered his "narrative" of the popish "sham-plot," so called, at the bar of the house of commons; and the next entry of that day's proceedings in the journals is lord Russell's motion "that the house should take into consideration, in the first place, how to suppress popery and prevent a popish successor." Lord Russell, with his patriot virtue, religious zeal, and moderate abilities, was sometimes heated without being enlightened. It was a free and fearless step to propose setting aside the next heir to the crown, on the ground of danger to the religion and liberties of the nation; but "to suppress popery" was a bigot inspiration. It was, in other words, to persecute papists.*

Capel, brother of lord Essex, and younger son of lord Capel who was executed as a traitor by the republicans, seconded lord Russell in a long and laboured speech, the spirit of which may be judged by his declaring that Titus Oates was the special minister of Providence to save the nation.† The resolution was carried without a dissentient voice.

The right of petition had doubtless, in some instances, been abused by the popular party. It was attacked in the king's proclamation; grossly violated by justices and other executive officers; and the commons voted it the subject's undoubted right to petition the king for calling a parliament or for a redress of

* Lord Russell is vindicated by his descendant and biographer, lord John Russell, on the ground that "the principles of the papists *tended* to the alteration of the government and religion of the nation." The fact is indisputable. They directly and avowedly sought religious toleration, which would have "tended" to change the government; as all adverse opinions *tend* to alter their opposites in science and ethics, sacred and profane. The doctrine of *tendencies* would justify any excess of civil despotism and religious persecution. Lord John Russell has but borrowed it from Hampden, who stained an illustrious name by becoming a French pensioner, and would suppress popery as introducing, not only arbitrary power, but "superstition and idolatry." This is frank persecution.

† Parl. Hist. iv. 1166.

grievances. This vote might be recorded with unmingled praise, if they had gone no further. They followed it up with the appointment of a committee to discover the violators of the right of petition, that is, as it proved — those who had discouraged the "petitioners," and joined or favoured "the abhorrers." Three members of the house, Withens, Cann, and Yeomans, who had denied the popish plot and petitioned as abhorrers, were expelled. Sir Robert Peyton had deserted from the popular party to the court; his name was mentioned at the bar by Dangerfield; and the house, or the majority, expelled him in revenge for his apostasy.

The power of the house of commons over its own members, however abused, cannot perhaps be called in question; but persons not members, who had signed "abhorrences," or denied the plot, were brought in custody as culprits, from various parts of the country, to receive judgment from the speaker on their knees at the bar, for acts done or words spoken, in themselves justifiable, and over which, if otherwise, the house of commons had not a pretence of jurisdiction.*

* "Abhorrers" were dragged in such numbers to the bar, that it was said the commons "kept a hawk (the serjeant-at-arms, Topham) who must have his daily meal of flesh;" and "Take him, Topham," became a common phrase. A gentleman of Exeter, named Stowell, who, as chairman of the grand jury of that city, had signed and forwarded "an abhorrence," being ordered into the custody of the serjeant, refused to submit, and the commons did not venture to take any proceedings against him. They adopted the paltry subterfuge of voting him ill, and respiting his arrest. At the same time there was circulated in print a list of "abhorrers," taken into custody as such by the house, with the following paragraphs appended: —

"1° *Magna Charta, cap.* 29. No freeman shall be taken, or imprison'd, or be disseiz'd of his freehold or liberties of free customs, or be outlaw'd, exil'd, or any otherwise destroy'd: Nor will we pass upon him, nor condemn him, but by lawful judgment of his peers, or by the law of the land, &c.

"2° 5 *Edwardi iii. cap.* 9. *Item*, It is enacted, that no man, from henceforth, shall be attach'd by any accusation, nor forejudg'd of life or limb; nor his lands, tenements, goods or chattels, seiz'd into the king's hands, against the form of the great charter, and the law of the land: That is, according to the statute of 25 *Edwardi iii. cap.* 24., by indictment, or presentment of good and lawful people of the same neighbourhood where such deeds be done, in due manner, or by process made by writ original at the common law.

"3° 28 *Edwardi iii cap.* 2. *Item*, That no man, of what estate or condition that he be, shall be put out of land or tenement; nor taken nor imprison'd, nor disinherited, nor put to death, without being brought in answer, by due process of the law."

Among these was the noted Jeffreys, then recorder. This person, afterwards so overbearing and brutal as a judge, made the most craven submission on his knees, and was frightened, by a threat of impeachment, into resigning the recordership which the opposition leaders designed for a favoured partisan. The king, who thought his boisterous domineering a check upon the corporation, could not persuade him to keep his office, and contemptuously pronounced him "not parliament proof." North, chief justice of the common pleas, was suspected of having advised and drawn the proclamation against the petitioners. The commons, in order to reach him, sent for the attorney-general Lewinz, and asked him by whom he had been assisted in drawing up the proclamation. That person, after some affected coyness, named his friend the chief justice.* Lewinz, the responsible person, passed uncensured, and North was threatened with impeachment. This is accounted for, not by passion or party spirit, but by a party intrigue, to make one of the present leaders of opposition, sir William Jones, chief justice in his room. Jones, a man of ability and reputation,* had recently deserted the court for the exclusionists.

Three judges more incurred the wrath of the commons. Sir Richard Weston and sir Thomas Jones, puisne judges,

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The eyes of the people were opened, and their confidence in their representatives shaken. It is obvious that the stretching of parliamentary privilege may be as pernicious as that of the royal prerogative to the rights and liberties of the people. A popular assembly, actuated by what is called *esprit de corps*, and by its passions, and above all possessing a certain share of popular favour, is more dangerous than the crown, because less jealously watched. Libel, strictly speaking, was unknown as an offence, when the above-cited statutes were enacted, or the subject doubtless would have been expressly shielded in his reputation as well as in his person and property.

The chief justice of England has recently decided, that the law of the land *does* afford to a British subject the same means of protection or redress in his reputation as in his person and property, against any man or *body of men whatsoever*; and the question is undecided at the writing of this note. — Without going here into the matter of privilege in the case, it may be observed, that some very short-sighted reflections have been made upon the decision of that sagacious and independent judge. Any party-uses momentarily made of it, and the reputation or motives of the plaintiff, are wholly irrelevant. The question and the complainant should be viewed as abstractions.

* North's Examen.

were censured; the one for "decrying the reformation" and "magnifying the prerogative" in his charge at the Kingston assizes*, the other for obstructing petitioners for a parliament; and both were threatened with impeachment. The resentment of the house chiefly menaced Scroggs, chief justice of the King's Bench. An impeachment against him for high treason was not only voted, but drawn up in eight articles. But nothing amounting to treason was even alleged. Two of the charges were, that he had, by a rule of court, prohibited the further publication of "a certain book called 'The Weekly Pacquet of Advice from Rome,' wherein the superstitions and cheats of the church of Rome were from time to time exposed;" and that in the recent trials for high treason he had openly defamed and scandalised the reputations and disparaged the testimony of the king's witnesses, "to the great and apparent danger of his majesty's sacred life." Two of the king's witnesses, thus grievously disparaged and defamed, were the immaculate Titus Oates and William Bedloe. The publication suppressed, — whether legally or not, as the law then stood, is far from clear, — was a mass of ribaldry and fiction disgorged weekly upon the Roman catholics and the duke of York. His real offence was, that in the trials for the popish plot he had latterly apostatised from whiggism to judicial decency, and had discharged the grand jury pending the presentment of the duke of York as a popish recusant by lord Shaftesbury. The concluding article charged him with debauchery, profaneness, and atheism. The Whig leaders were unscrupulously slanderous for their ends, and some of the judges infamous in their public and private lives.

* The following extract from his charge was the main ground of accusation: — "*Zuinglius* set up his fanaticism, and *Calvin* built on that blessed foundation: And, to speak truth, all his disciples are season'd with such a sharpness of spirit, that it much concerns the magistrates to keep a strict hand over them. And now they are restless; amusing us with fears; and nothing will serve them but a Parliament: For my part, I know no representative of the nation, but the king; all power centers in him. 'T is true, he does entrust it with his ministers; but he is the sole representative: And i'faith! he has wisdom enough to trust it no more in these men, who have given us such late examples of their wisdom and faithfulness."

This charge, therefore, should be suspected of exaggeration, not rejected as unjust.*

Other persons were proceeded against under different pretences, but from the same motives of personal and party feeling. Sir Gilbert Gerard denounced Seymour, late speaker, for malversations, as treasurer of the navy. The house ordered that he should be taken into custody, and remain prisoner, or give bail to abide an impeachment. His offence was the zeal with which he resisted the exile of the duke of York at the council-board, and the bill of exclusion in the house of commons. Sir Leoline Jenkins, secretary of state, was no less odious to the exclusionists; and advantage was taken of the arrest of a plot discoverer, named Noris, by his authority, to vote his conduct arbitrary, illegal, and obstructive of the discovery of the popish plot.

This was not all. Not only were adversaries to be terror-struck, but partisans encouraged. The house addressed the king for the release of Harris and Dare†, the one fined and confined for libel, the other for seditious words; and for a second and more specific pardon to Dangerfield, for almost every felony in the Newgate Calendar. What an implication of their knowledge of the infamy of the informer! There is on the whole, in these proceedings, a curious illustration of the sophistry of the passions.‡

The commons, heated by these preliminary skirmishes; by the dying testimony of Bedloe read at the bar§; by the depositions of Paria, a converted Jew, and Prance,

* The authority of bishop Burnet, so far as it weighs, is against Scroggs.

† Harris's case has been already mentioned. Dare was one of those who appeared to present "a petition" from Taunton. The king asked him how he *dared* sign and present so factious a paper: he answered, "My name is Dare." His boldness as a petitioner was punished by fine and imprisonment, under the pretence of seditious words; and the people of Taunton were mean enough to disavow their hero, as he was called.

‡ It was at this crisis that the house, for the first time, ordered the printing of the Journals, after previous revision by the speaker.

§ Bedloe, in his illness, sent for chief justice North, repeated to him the truth of his evidence against the papists, but, with some mitigations as affecting the queen and the duke of York, *solicited money from the king*, and died in a few days. The request for money, had he recovered, would have deprived his declaration of all value; and the accident of his death was a most fallacious ground of credit. (See State Trials, vol. vii.; and Ralph, i. 511.)

the witness respecting sir Edmond Bury Godfrey; by a report of sir George Treby, from a committee of the last parliament, in which the evidence of the informers was marshalled in array with malignant sophistry; began the combat of the bill of exclusion. It was introduced by colonel Titus, and seconded by lord Russell. The bill was debated on the first and second reading with much warmth, and some eloquence, by Capel, Hampden, Booth, afterwards lord Delamere; Titus, Montague, Winnington, Birch, who, from a carrier, became a colonel in the commonwealth, and retained some traces of its frank and uncompromising simplicity; Jones, late attorney-general, who had passed over to the Whigs — on the one side; by Garroway, hitherto in opposition, Seymour, sir Leoline Jenkins*, and Lawrence

* Sir Leoline Jenkins carried divine right to a pitch, which, according to Burnet, excited indignation. There is in his speech a strange mixture of the principles of intellectual liberty and political slavery. "I think," said he, "it is contrary to the principles of our religion, that we should dispossess a man of his right because he differs in point of faith. For it is not agreed by all, that dominion is founded in grace. For my part, I think there is more of popery in this bill than there can possibly be in the nation without it; for none but papists and fifth-monarchy men did ever go about to disinherit men for their religion. I am of opinion that the kings of England have their right from God alone; and that no power on earth can deprive them of it" — *Parl. Hist.* iv. 1190.

Birch replied, that all legal power was in the king, lords, and commons; and as to restraining a popish successor by the expedient of limitations, they might as well hope "to catch a lion in a mouse-trap." Colonel Legge, afterwards lord Dartmouth, said, "There has been a talk in the world of another successor than the duke, in a black box; but if Pandora's box must be opened, I would have it in my time, not in my children's, that I may draw my sword to defend the right heir." — *Ibid* iv. 1212.

Sir Henry Capel said, in reference to this court, or rather to the king: — "The truth is, sir, the most material observation that I can make of the arguments against this bill is, that it is thought too good for us; and that it may probably be effectual for the securing of the protestant religion." —*Ibid.* iv. 1213.

Seymour, who joined the prince of Orange at the revolution, but without the reproach of treacherous desertion, spoke as follows of the unfortunate James: — "We are assured there can be no danger during his majesty's life; so, upon an impartial examination, we shall find there can be no great reason for apprehension after his death, though the duke should outlive and succeed him, and be of that religion. Have we not had great experience of his love for this nation? Hath he not always squared his actions by the exalted rules of justice and moderation? Is there not a possibility of being of the church, and not of the court, of Rome? Hath he not bred up his children in the protestant religion, and showed a great respect for all persons of that profession? Would it not be a dangerous thing for him (I mean in point of interest) to offer at any alteration of the religion established by law? Can any man imagine that it can be attempted without great hazard of utterly destroying both himself and family? and can so indiscreet an attempt be expected from a prince so abounding in prudence and wisdom?" *Id. ibid.*

Hyde—on the other. The main question was between the exclusion proposed by the bill, and the expedient of limitations proposed by the king, and urged by the court party.

It was brought in on the second and reported on the 8th of November. The court took alarm at this rapidity of proceeding; and the king tried by a message to make a diversion to the chace of popery and the plot. He offered to join them in this, provided they did not interfere with the succession to the crown. They passed over the latter topic in their answer without notice; and declared, in reference to the former, that they should soon be ready to proceed against the popish lords in the Tower.

The bill on the 11th of November passed the house of commons, and was carried to the lords on the 15th, by lord Russell. The exclusionists escorted him in a body, and shouted when he gave in the bill.* To follow up this blow, the city of London, by concert with the commons, addressed the king for the suppression of popery and prevention of the horrid popish plot.

The interval between the 11th and 15th was passed in fruitless intrigues, with the view to a compromise. Charles was willing to sell his brother, as he sold himself, for money †; but, as in the former case of the Dutch alliance and the supplies, one party must (from the nature of the contract), and neither would, take the word of the other.

The adverse parties, after a short truce and a vain effort to accommodate their differences, resumed their arms with more decided purpose and more exasperated resentment. In the house of lords the bill of exclusion produced the keenest strife of party passions; the finest strains of parliamentary eloquence unhappily perished with the occasion; and the most intense curiosity for the result. The king—the commons in a body—having

* It was entitled, "An Act for securing the Protestant Religion, by disabling James, Duke of York," &c.

† Dal. App. 279., already cited. Burnet, ii. 249, &c. Ralph, i. 525.

adjourned for the purpose — looked on whilst the debate was maintained, with glowing animation and vigour, from morning to eleven at night.

Shaftesbury took the lead in support of the bill, as a matter of course. He was supported by Essex, who had wholly withdrawn from the court and council; by Sunderland, who held office, but miscalculated the issue. *

The great opponent of Shaftesbury was his nephew, lord Halifax. The nephew had the talents, wit, and accomplishments, with some portion of the waywardness, of the uncle; wanted his factious, fearless, and elastic temperament; and is recorded to have carried, not only the palm of eloquence, but the majority of the house †, in this memorable debate.

All the arts and influences of the court are said to have been used against the exclusion. The king himself solicited the peers for his brother. The whole fourteen bishops present. According to some accounts, eleven out of fourteen were against, and three for the bill; according to others ‡, all the prelates opposed it. The court had a majority of sixty-three to thirty.

Two other persons were interested, equally with the duke of York, in the issue of this debate — the duke of Monmouth and the prince of Orange, both aspiring, the one openly, the other secretly, to the succession.

One of the inducements held out by the exclusionists to the king, was, that he should be empowered by act of parliament to name his successor; and Monmouth confided that the choice would fall upon him. He voted and spoke for the exclusion bill with an eagerness and indecency, which prove his want of good sense still more than of good feeling. He declared that he should vote for the bill, as the only way to protect the life of the king, his father, from the popery and malice of the duke, his uncle.

James was one of those upon whose heart injury is

* Evelyn Diary, Nov. 1680.

† See Dryden's Absalom and Achitophel for a character of Halifax under the name of Jotham.

‡ See Burnet, ii. 252, &c.; and notes, ibid.

deeply graven, and this outrageous sally probably had its share in bringing the ill-fated Monmouth to the block.

The conduct of the prince of Orange was unlike that of Monmouth, and, like himself, politic, profound, and fearless. The states-general, actuated by his influence through the pensionary Fagel, and by the interests of the commonwealth, pressed the king to accommodate matters with his parliament by agreeing to the exclusion bill; whilst the prince in his private letters deprecated limitations, and would sacrifice his uncle and father-in-law to the integrity of the prerogatives of the crown.*

The triumph of Halifax provoked the commons to an act of gross and dastardly resentment. Next day but one after the lords' rejection of the exclusion bill, the commons voted an address to the king for the removal of George earl of Halifax from his majesty's presence and councils for ever. Some called him papist, others atheist; and one of his friends proposed that doctor Burnet should be sent for to answer for the truth of the earl's protestantism. This, fortunately for him, was not done; for the bishop says that his testimony would have gone to show that Halifax was not only not a papist, but not even a Christian.†

Charles, in his reply to the address of the commons, said he saw no reason to comply with it. He privately observed that "his father lost his head by such compliance, and he, for his part, intended to die another way." ‡

The popular leaders, defeated as politicians, fell back as demagogues upon their great resource — the credulity of the populace and the popish plot. Lord Stafford was selected from the five lords in the Tower to be brought to trial and to death. It is said that he was chosen for sacrifice from his advanced age, decayed faculties, and weak character. His incapacity to defend

* See his letters to sir Leoline Jenkins, in Dal. App. 309—310.

† Burnet, ii. 254, 255. James in several places, through his Letters and Memoirs, describes Halifax as an atheist and republican.

‡ Reresby's Memoirs, 1680.

himself would render his condemnation more plausible.* This is shocking; but yet not improbable, when it is remembered that the informer no sooner touched upon the capital charge, than a yell of savage joy proceeded from the members of both houses.† To infer from this that his prosecutors and judges were actuated by fanaticism, not faction, is a sad vindication of their good faith. One of the chief managers of the prosecution was the whig patriarch old serjeant Maynard, who had thirty-six years before performed the same ministry in bringing archbishop Laud to the scaffold. He was assisted by Winnington, Treby, and Jones.

Three witnesses appeared against lord Stafford, — Oates, Dugdale, and a new performer, named Tuberville. Dugdale swore that lord Stafford had joined in a consult to kill the king and bring in popery; Oates, that he had seen lord Stafford receive from the jesuit Fenwick the commisson of paymaster-general to the popish army of insurrection; Tuberville‡, that he had been solicited five years before, at Paris, by lord Stafford, to assassinate the king as an arch-heretic and rebel against God.

Lord Stafford made his defence with unexpected self-possession and capacity. He demonstrated the perjury of the informers from their own mouths, and disproved their evidence by other witnesses. Sometimes, the dexterous and inhuman sophistries of the managing lawyers provoked him to anger; the savage shouts of the hostile populace in the precincts of the court§ shook

* North's Examen, &c. Reresby's Memoirs. Life of James, i. 635, 636.

† Trial of Lord Stafford.

‡ Bishop Burnet tells a story, not very creditable to his right reverend brother, bishop Lloyd. Tuberville was a convert from popery, and had been instructed in his new faith by Lloyd, who entertained him in his house in London at the very time when he swore that he was solicited by lord Stafford at Paris to kill the king. Lloyd consulted his friends, and, among them, Burnet, whether he was bound in conscience to save an innocent life at the peril of exposing himself to the many inconvenient consequences. They resolved his case of conscience in favour of his cowardice. Burnet, remembering his own discreet silence in the case of Staley, naturally joined the rest, though, he says, with some difficulty. But Lloyd's case was far more aggravated. Swift's brief and emphatic note (Burnet, ii. 265.) upon the opinion given by Lloyd's friends is "damned advice."

The above is not given accurately *as stated by the bishop*, according to whom Lloyd could have proved self-contradiction only against Tuberville.

§ He was tried at Westminster Hall.

his nerves; and recollections of his family brought tears into his eyes. He yet, at the end of five days' fatigue upon his trial, without the aid of counsel or of friends, or the refreshment of sleep, or time to prepare his defence, took a review of the evidence and of the circumstances of his previous life, his character, his age, his domestic relations, which wrought upon the conviction and the pity of the public, and of the public only.

Jones replied to him with consummate and cruel advocacy,—exhibiting an aged, infirm, and innocent nobleman in the colours of an artful culprit and desperate traitor. The lords overruled his objections of law; and he was adjudged guilty by fifty-five to thirty-one of his peers.* He received their judgment with surprise, but said no more than "God's will be done;" and the lord high steward Finch, afterwards earl of Nottingham, pronounced upon him the judgment of death as a traitor.†

* Four lords of his own family, Carlisle, Suffolk, Berkshire, the infamous Howard of Esrick; four of the king's ministers, Anglesea, Radnor, the unprincipled and cruel Lauderdale, the base intriguing Sunderland, adjudged him guilty; whilst Halifax and Arlington, and, to the honour of presbyterianism, Lucas and Holles, pronounced him innocent.

† The temper of the lords who condemned lord Stafford may be estimated by the following passage in the speech with which Finch prefaced his delivery of their judgment: —"Does any man now begin to doubt how London came to be burnt? or by what ways and means poor justice Godfrey fell? And is it not apparent, by these instances, that such is the frantic zeal of some bigoted papists, that they resolve no means to advance the catholic cause shall be left unattempted, though it be by fire or sword."—*Parl. Hist.* iv. 1556, 1557.

There was not a word about the fire of London in the course of the trial! Ralph, at the close of his remarks on this trial, has the following on the death of Godfrey:—"But to leave these conjectures and refinements, and return to facts:—Godfrey was no sooner missing, than a report was officiously circulated the kingdom over, that he was murdered by the papists; and the whole party taught, as with one voice, that the truth of the plot was demonstrated by the murder; whereas no one circumstance has hitherto appeared to warrant any such conclusion; and no sort of argumentation whatever can be made use of to show, that because Godfrey was murdered, he was therefore murdered by the *papists*. Prance and Bedlow's stories are irreconcileable. All the several scenes, said to have been acted at Somerset House, are liable to unanswerable objections. The papists had no interest to serve by removing him out of the way; neither could those foreboding expressions of his to Mr. Robinson, the prothonotary, and others — such as, *I shall have no thanks for my pains; I shall be the first martyr*, &c., have any reference to his apprehensions from that quarter; for he was apparently upon good terms with them, and had acted rather partially in their favour than zealously against them. This appears by his acquainting Coleman with Oates's discoveries, that he might acquaint the duke. And it further appears that, in consequence of this piece of friendship, he was sent for by lord Danby, who menaced him on that account. From all which it is obvious that the papists were charged with the guilt of this murder, not so much

He was visited in prison, at his own desire, by Compton, bishop of London, and Dr. Burnet. They proposed to convince him of the errors of popery for the eternal interests of his salvation. He heard them patiently; replied calmly that his conscience was clear, his reason satisfied, his time too short to be employed in polemical dispute; protested his innocence of the treason charged upon him; denied all knowledge of any plot; and expressed a wish to see Burnet alone next day.* Such is in substance the version of Burnet, a partisan historian, and here personally interested. It may be suspected, if not implied from it, that the two divines considered their mission temporal as well as spiritual, and made experiments upon his weakness for the confirmation of the popish plot.

Burnet came alone next day, and received with fear and trembling, by his account, some vague intimations of a confession by the unhappy lord. They were soon interrupted for a moment by the arrival of lord Carlisle†, accidentally or by concert. Lord

because there was matter of evidence against them, as because it answered the party views of those times to render them as black and odious as possible."

Finch (Nottingham), in giving his judgment, made what Burnet calls one of his best speeches. It was an elaborate argument to bring the popish plot home, not only to Lord Stafford, whom he was addressing and outraging, but to all the Roman catholics, and was much more like a wicked judge charging a jury against an obnoxious prisoner than the solemn address of a judge delivering the sentence of the court. The key to Nottingham's base conduct is supplied by a retrospective remark of speaker Onslow, in a note upon a passage of Burnet's History, sub ann. 1701. "We know how some chancellors have treated this matter for their indemnity, and that some, a little more wary, have resorted to the poor evasion of delivering up the seal to the king, for him to put it to the instrument, and immediately to receive the seal back again. The lord chancellor Nottingham did this last in the case of the earl of Danby's pardon; and I have been well informed he escaped censure for it by an obsequious courting of the house of commons at that time, and giving with great warmth into the prosecution of the popish plot; for which see the former volume of this History, the lord Stafford's trial."— *Burnet*, iv. 480.

Such was the "terrorism" exercised by the house of commons at this period!

* Burnet, ii. 270.

† It might be inferred from a passage in the "Life of James," &c. i. 639., that the visit of the bishop of London and Burnet originated with Carlisle and Howard of Esrick, who condemned their kinsman, says the writer of the "Life," &c. with crocodile tears, and moved that his judgment should be perpetual banishment.

Stafford denied again all knowledge of any plot, but said he wished to live, and could disclose some things which the duke of York would never forgive, and could show that a person now in high credit with the adverse party was once favourable to the catholics. He finally charged Burnet with a message to lord Russell, lord Essex, and sir W. Jones; and his kinsman, lord Carlisle, with a communication to the house of lords that he was ready to declare at their bar all he knew.

Essex, Russell, and Jones replied, through Burnet, that if he implicated the duke of York, he might be dispensed from criminating himself,—and the lords ordered him to be brought to their bar next day. He related at some length the various means, of which none were criminal in law or morals, taken by the catholics to obtain toleration; and was proceeding to state the favourable disposition of lord Shaftesbury, when, upon the mention of that name, he was silenced and removed.

This account cannot be called incredible, as applying to the judges of lord Stafford. But Burnet is bad authority; he admits that he was suspected, at the time, of intriguing with Halifax against Shaftesbury*; and according to other accounts, even the most favourable to lord Stafford †, the lords heard him out,— but, finding no confirmation of the "damnable plot," sent him back to the Tower. This less startling injustice is more consistent with the average baseness of the house of peers.

Lord Stafford, when adjudged to die, prayed their lordships that his wife, children, and friends might be admitted to see him, — for hitherto he had been kept a close prisoner by the lieutenant of the Tower. The lord-steward, in reply, said that their lordships, blending justice with mercy, "would be humble suitors to the king for remitting all the punishment but taking off his head." The unhappy lord wept. "It is not," said he, "your justice, but your goodness, that makes me cry." His tears may be ascribed not to this mockery of

* Burnet, ii. 272. † See Ralph, i. 534.

goodness, but to the weakness of his temperament, or of human nature. Yet he received the notice to prepare for death, says Ralph, "as a philosopher would, and a christian should—not only with composure, but elevation."

Charles, persuaded of his innocence *, bound to him by the obligations of a prince to a meritorious subject, yet signed the warrant for his execution out of craven fear,—with only the mitigation of his being simply decapitated. Some palliation may be found for the king in the system of violence and terror exercised by the house of commons.

The sheriffs of London, Bethell and Cornish, scrupled to obey the king's warrant for the execution, without the horrid formalities of the law of treason. They doubted the king's power to alter the judgment of the lords, petitioned both houses, and submitted four questions to the house of commons:—Could the king, being neither prosecutor nor judge, order the execution? Could the lords order the execution? Could the king dispense with any part of the judgment? If the king can dispense with part of the judgment, why not with all?

The chief interest of this topic is the stain which it has left on the reputation of lord Russell. It is stated by Echard, and, upon his authority or some other, by Hume, that lord Russell was a party to the proceeding of the sheriffs, and that when he was himself, only three years after, condemned to a traitor's death, Charles II. said "My lord Russell shall now find I have the prerogative of mitigating his sentence, which he denied me in the case of lord Stafford." The authority of so partial a compiler as Echard scarcely brings the charge home to lord Russell; but it is admitted by others having a political†, and even more sacred, interest in his fame.‡

The case may not unfairly be viewed thus;—the

* Reresby's Memoirs.
† Fox, introd chap. Hallam, Const. Hist.
‡ Lord John Russell's Life of William Lord Russell, i. 235, &c.

election of Bethell and Cornish was a signal party triumph after a violent struggle*; they were mere tools of the party which reckoned lord Russell among its most popular and strenuous chiefs; and it may be strongly presumed that he had his share, underhand, in actuating the sheriffs.

But a second and perhaps more important question remains. It is said for lord Russell, that his object was to guard against a mitigation by prerogative, from which the king might deduce his right to remit the whole punishment. This, if not a subterfuge, is a melancholy excuse. Lord Russell was a person of moderate understanding, inflamed with protestant zeal. Were he a Roman catholic, and had he carried the same zeal into popery, he would have come down with the contemptuous brand of popish bigot on his name. But, however bigoted his zeal or limited his faculties, he could scarcely have believed in the evidence upon which lord Stafford was condemned. The managers of the impeachment well knew that doctor Lloyd could prove Tuberville a perjurer; and Winnington, one of them, threw out a wicked threat to silence the divine.† To suppose that it was not known to lord Russell would be incredible.

Again—the object could not have been to guard against the creation of a precedent—for there were already precedents the most clear and conclusive, without that of lord Stafford. It was admitted by sir William Jones, "that there was no example of a nobleman quartered for treason; that they had all been only beheaded."‡ Further—lord Russell and his party very well knew that the king had no intention to pardon lord Stafford;—that by signing the warrant he had given a pledge to the contrary. The motive thus assigned to them was therefore not the true one; and another very obviously presents itself.

The popish plot was the sheet-anchor of the exclusionists. To exempt lord Stafford from the essential horrors

* See Ralph, i. 502. † Burnet, ii. 265.
‡ See his speech on the sheriffs' queries, Parl. Hist. iv. 1261.

of execution as a traitor was to weaken the popular impression of the real existence and monstrous features of the plot; to favour the reflux of popular compassion for that ill-fated lord; to break, thus far, the spell of "the plot drivers;"—and the latter, in consequence, acted upon this barbarous inspiration of party policy.* The share of lord Russell in it is a mournful proof that the mingled venom of religious and political faction can strip a good man's heart of its humanity.

The lords received the sheriffs' petition with the gentle rebuke, that "their scruples were unnecessary," and a vote, "that the king's warrant ought to be obeyed."

The house of commons, after some discussion, in the record of which lord Russell's name does not appear, resolved, on the motion of sir William Jones, "that the house was content the sheriffs should execute William, late viscount Stafford, by severing his head from his body only."

On the 29th of December, lord Stafford was led out to death on Tower Hill. He walked from the Tower to the scaffold, by the side of the lieutenant, with a countenance the most fearless and serene. A vast multitude, attracted by savage curiosity, was softened into compassion. He addressed the people from the scaffold. The mob heard him, uncovered, in token of respect; and, upon his protesting his innocence, responded with a general murmur, "We believe you, my lord! God bless you, my lord!" He distributed written copies of his speech, and left one in his own handwriting for the king. It is a strain of heroic christian charity and touching pathos,—more especially his forgiveness of his enemies, who might be called his murderers, and his prayer

* An opinion prevailed, that the condemnation of lord Stafford was a thing previously fixed; that his judges sat upon him with their minds made up "that the house of commons must not be baffled;" and that the lords were to be guided by the positive oaths—*secundum allegata et probata*—without taking into account the credibility of the evidence, or the character and credit of the witnesses. (North's Examin. &c. 229. Trial of Lord Stafford. Ralph, i. 535.) It is scarcely necessary to remind the reader of the indecency with which a crown lawyer in the case of Burnet, and a managing commoner in the case of Lloyd, frightened into silence those who could rescue innocent lives from perjury and faction.

to God, not to avenge his innocent blood upon the nation. The executioner twice raised and twice laid down the axe, with a heavy sigh; then gave the fatal stroke, and exhibited "the head of a traitor," from the four corners of the scaffold. The multitude observed a mournful silence; —for the multitude, if more furious than the demagogues who lead or actuate it, is also more capable of a return to humanity. The death of lord Stafford was the last scene of the sickening drama of the popish plot in England* performed on the scaffold.

* The Irish branch of the plot, and the juridical murder of Plunkett, Roman catholic archbishop of Armagh, belong to the history of Ireland.

CHAP. IX.

1681.—1682.

MEETING OF PARLIAMENT. — MESSAGE. — VOTES. — EXCLUSION BILL. — EXPEDIENTS. — PROCEEDINGS OF THE COMMONS. — PROROGATION AND DISSOLUTION. — ELECTIONS. — ASCENDANT OF HALIFAX. — INTRIGUE OF FITZHARRIS. — PARLIAMENT AT OXFORD. — THE EXCLUSION BILL. — THE EXPEDIENT. — IMPEACHMENT OF FITZHARRIS. — PROTESTS WITH REASONS. — DISSOLUTION. — THE KING'S DECLARATION — ANSWER TO IT. — PROCEEDINGS AGAINST ROUSE AND COLLEGE. — AND AGAINST SHAFTESBURY. — VISIT OF THE PRINCE OF ORANGE. — HIS OBJECTS AND DEPARTURE. — NEW SECRET MONEY TREATY OF CHARLES WITH LOUIS. — INSURRECTION IN SCOTLAND. — CONDUCT OF THE DUKE AS THE KING'S COMMISSIONER IN SCOTLAND. — PROSECUTION OF ARGYLE. — RETURN OF THE DUKES OF YORK AND MONMOUTH. — ELECTION OF SHERIFFS. — FORFEITURE OF CHARTER.

1681. THE situation and conduct of Charles, on the eve of dissolving his last parliament but one, present a strange contrast. In the midst of difficulty and danger; solicitation and menace; intrigue and artifice; he indulged his careless humour, his pleasures or his ease *; he dressed and undressed; lounged on a couch at the duchess of Portsmouth's; or sauntered in the walks of St. James's; and conversed with those about him in that strain of ribald pleasantry, which was called court raillery and politeness,—as if he abandoned himself passively to the fortuitous current of events. The house of commons, meanwhile, to avenge the disappointment of the exclusion bill, not only withheld the supplies, but, in lieu of that bill, pressed on him others touching his own immediate interests more nearly. The states-general, by a memorial communicated through Sidney, his ambassador

* Reresby's Memoirs.

at the Hague, and by their minister, Van Benningen; the Spanish ambassador in London, Don Pedro Ronquillo, in the name of his court; the prince of Orange, by indirect suggestions; Sunderland, Godolphin, and the duchess of Portsmouth, from various motives, and by as various arts;—all urged him to propitiate his parliament by the sacrifice of his brother. He resisted from, perhaps, the selfish conviction, that by giving up his brother's right of inheritance, he should abandon to republicanism one of the barriers of the throne.*

It is difficult to suppose that Charles, who was as shrewd and selfish as he was indolent and sensual, could have regarded with absolute indifference the situation in which he was placed. Possibly he trusted in secret to an art in which he excelled and believed all-powerful—the art of deceiving,—and to the expedients of lord Halifax. But the commons were now in a temper not to be overcome by dissimulation, however skilfully masked. They advanced upon him with an array of five bills, pointed directly against his power and prerogative,—for banishing "the most considerable papists;" for a protestant association against popery, and a popish successor; for securing the meeting of parliaments; for regulating the commissions †, and preventing the iniquities of the judges; for making the illegal raising of money high treason. On the 30th of December, they further addressed to him a long remonstrance of grievances, having reference to the subject matter of those bills; but insisting more particularly upon his assent to a bill for disabling a papist for the succession, when presented to him in a parliamentary way.

It was not till the 7th of January that the king sent a message in answer to the address. Godolphin and Jenkins, anticipating and quailing before the resentment of the commons, successively excused themselves; and sir William Temple charged himself with the message, at the special instance of the king. This is one of

* Reresby, 102—109. Burnet, i. 486. (fol.). Ralph, i. 552.

† The judges were to be commissioned as at present, *quamdiu bene se gesserint.*

the many instances in which Temple's weakness of character compromises his reputation. He provoked the displeasure of the commons, by delivering an unpopular communication; that of the king, by undertaking it with a bad grace; and he has recorded his own distaste by a phrase more expressive than delicate.* Charles, in his answer, deprecated the exclusion bill; rebuked its authors; said he was confirmed in his opinion against it by the judgment of the house of lords; declared his readiness to concur in any other parliamentary measures for the preservation of protestantism; and again desired a supply indispensable for his affairs, foreign and domestic.

The message provoked violent speeches, and corresponding votes. Booth, said the king was surrounded by the creatures of the duke, treated the lords contemptuously, and proposed four resolutions,—that the exclusion bill was indispensable to the security of protestantism and the king's person; that no money should be voted until that bill had become the law; that no loan should be raised on the security of anticipated revenue; that all persons advising a dissolution should undergo the censure of the house. He was immediately followed by Montague and by lord Russell.

Montague said that the popish plot was to have been sought in the court, as well as in the Tower with the popish lords. It will be remembered that those popish lords were untried and innocent, and that the man who thus scandalously prejudged them had traitorously sold himself to the court, at which he resided as the king's ambassador, for a money bribe. Sir Henry Capel said, that projectors of tyranny, like those who counselled Charles I., were again at work; and the house, seeing no hope of bills, should do what service it could by votes.

Lord Cavendish and Hampden said they had heard of some new expedients, and called upon the opponents of the exclusion bill to produce them. This challenge

* Mem. p. 3. 253.

had reference to a new and chimerical project of limitation, proposed by lord Halifax, reprobated by James, and rejected by Charles. Cavendish paused for an answer, but none was given.

An expedient was afterwards proposed in the course of the debate, by sir Robert Markham,—that the prince of Orange should exercise the government conjointly with James, upon the demise of the crown. It was received only with laughter.

Jones, Birch, Winnington, and Titus argued that the laws, liberties, and religion of the nation hung upon the exclusion of a popish successor; that the duke, once seated on the throne, would spurn all limitations, and not only break his chains, but avenge them. "I hope," said colonel Titus, "we shall not be wise as the frogs to whom Jupiter gave a stork for their king. To trust expedients with such a king on the throne, would be just as wise as if there were a lion in the lobby, and we should vote to let him in, and chain him, instead of fastening the door to keep him out." *

The message, the court, and the duke were supported with timid evasion and feeble rhetoric by Hyde and Finch — with his usual high prerogative maxim, that the bill, if passed, would be void from its very nature, by sir Leoline Jenkins, a technical lawyer, strongly imbued with that principle of a supreme power paramount in the crown, which, however excepted against by some eminent lawyers † in great emergencies, pervades the more ancient law of England.

The debate closed with votes, severally passed—that no supply should be granted without the exclusion bill; that the earl of Halifax, the marquis of Worcester, and

* This illustration was versified as follows:—

"I hear a lion in the lobby roar:
Say, Mr. Speaker, shall we shut the door,
And keep him out?—or shall we let him in,
To try if we can turn him out again?"

† The most eminent of these is sir Edward Coke—but at a time when court disgrace and vengeance had made him a patriot, and during the struggle of the petition of rights. It is well known that the authority of his 2d Institute is cited for the dispensing power.

the earl of Clarendon *, advisers of the king's message, were promoters of popery, and enemies of the king and kingdom; that the earl of Feversham was a promoter of popery and the French interest, and a dangerous enemy to the king and kingdom; that Hyde (brother of Clarendon) and Seymour were persons whom the king should remove from his council and presence for ever; and, finally, that whoever should advance or lend the king money, on the security of the revenue, should be judged responsible to parliament, as a hinderer of its sitting.

Charles and the commons were now come to what is understood by a crisis. The king must get rid of the parliament, or assent to the exclusion bill. He decided for a prorogation, concealed his purpose with the utmost care, and came to the house of lords on the morning of the 10th of January with the utmost privacy. The commons, in spite of every precaution, had fifteen minutes' notice of his intention; proceeded to vote, in a tumultuary manner, that the advisers of a prorogation, with the view to defeat the exclusion bill, were betrayers of the protestant religion, the kingdom, and the king, and pensioners of France; that, to introduce popery and arbitrary power, the papists had burned London in 1666; that James duke of Monmouth was deprived of his offices through the influence of the duke of York, and ought to be restored; that the city of London deserved the thanks of the house; that the enforcement of the penal laws against protestant dissenters was at that time a weakening of protestantism and an encouragement to popery.† They had proceeded thus far, when the usher of the black rod knocked at the door of the house, and summoned them to attend the king in the house of peers. They obeyed; and Charles, having given the royal assent to some

* The chancellor Clarendon had died in exile at Rouen in 1674.

† A bill, passed by both houses, for repealing the act of Elizabeth against the puritans, called Barrowists and Brownists, was removed from the table secretly by the king's order, to avoid giving or refusing his assent to it.

unimportant bills, prorogued the parliament to the 30th of the month.

The Whig opposition violent without vigour, united without concert, fearless without prepared means, or great purpose, evaporated in declamations.

The court was not without apprehensions of a civil war.* But the only movements were a city petition for the reassembling of the prorogued parliament, to which the king replied by a dissolution, and ordering the new parliament to assemble on the 21st of March at Oxford; —a petition of sixteen peers, with the duke of Monmouth at their head, to the king, dissuading him from a change of place, which might prove fatal, to which he replied by saying that he was of a different opinion; —and the apparition of the mother of Monmouth with a message to the king, attested before two magistrates, by Elizabeth Freeman, called "the maid of Hatfield," to whom the spectre had appeared and given charge to deliver the message.†

The two parties contended as in a contest of life or death on the arena of the hustings, and the elections went decidedly against the court. London returned four exclusionists, Clayton, Pilkington, Player, and Love, who represented the citizens in the last parliament.

Meanwhile, some changes took place at court. Sunderland was deprived of his secretaryship; Essex, Salisbury, and sir William Temple were removed from the council board. Temple states that he had com-

* Reresby, 112, 113., recording conversations with lord Halifax.

† The following is the account given by Ralph (i. 562.): "They had also recourse to yet meaner devices than these to keep up the national ferment, and inflame the spirits of their party. A relation was published in the name of one Elizabeth Freeman, afterwards called the maid of Hatfield, setting forth, that, on the 24th of January, the appearance of a woman all in white, with a white veil over her face, accosted her with these words: '*Sweetheart, the 15th day of May is appointed for the royal blood to be poisoned. Be not afraid, for I am sent to tell thee.*' That on the 25th the same appearance stood before her again, and she having then acquired [illegible] *king Charles from me, and bid him not* REMOVE HIS PARLIAMENT, *and stand to his council:*' adding, '*Do as I bid you.*' That on the 26th it appeared to her a third time, but said only, '*Do your message.*' And that on the next night, when she saw it for the last time, it said nothing at all."

municated to the king his wish to retire wholly from public life, before his removal. But this expression of his wish was preceded by the king's refusal of his offer to come again on the court interest into parliament. He declares himself at a loss to account for his removal, — whether by his own request, or by his relations with lord Sunderland and the prince of Orange.* One truth seems clear, that Temple had too little compliance for a courtier, too little virtue for a patriot, too little energy even for a Whig, — and that public life was not his element.

These changes left Halifax lord of the ascendant, with no fear but the release and reinstatement of lord Danby.† His situation was scarcely to be envied. "I never," says Algernon Sidney, in one of his letters, "saw men's minds more heated than at present, and cannot think it portends less evil than a comet."

James was still constrained to reside in Scotland; but the two brothers communicated with each other more freely. Charles advised James to conjure the storm, by taking the tests as a protestant. The conscience of James was inexorable; and he further added, most probably with justice, that his conforming, instead of satisfying the parliament, would be regarded as hollow perfidy.‡ He in return advised his brother to place himself in a condition to defy or dispense with parliaments by renewing his dependence upon Louis XIV.

This step had already been taken by the king; a secret money treaty was on foot; and the duke sent Churchill, afterwards duke of Marlborough, an officer of his household, from Edinburgh to accelerate it.§ These base contracts are one so like the other, that it will suffice to state the agreement, that Charles, for the consideration of 2,000,000 livres for the current year, and a million and a half for the three following years, should gradually detach himself from Spain, yoke himself to the car of France, and take measures for guarding against any

* Mem. iii. 358, &c.
† Reresby's Memoirs, 115.
‡ Life of James I. 657, &c.
§ Life of James I. 659. Dal. App. 291.

opposition to the performance of his engagement by parliaments — in other words, for laying parliaments aside.* Charles, thus provided, resisted the counsels of his brother, conveyed through Churchill, for a further prorogation, and prepared to meet the new parliament on the 21st of March, at Oxford. A curious incident, which engaged both houses, remains to be mentioned, — the intrigue of Fitzharris.

Fitzharris, an Irish adventurer, the son of a Roman catholic baronet, after having served in the French army, came over to England, and, through the influence of a cousin, who was the favourite waiting-maid of the duchess of Portsmouth, was admitted as a court spy, and rewarded for his discoveries with 250*l.* Meeting a brother-adventurer named Everard, a Scotchman whom he had known in the French service, and who had since been one of the many informers in the business of the popish plot, he proposed to Everard that they should concoct a libel upon the king and the duke of York. Everard prepared a rough sketch, and gave it to Fitzharris, who, having made some alterations to make it still more malignant, carried away the manuscript. The uses which he proposed making of it are unknown. It was suspected, and not improbable, that, having introduced copies of it into the studies or the pockets of some of the leading Whigs, he would denounce it to the king as the work of the opposition. He was, however, foiled by his accomplice. Everard had communicated their proceedings step by step to two persons, one of whom was sir William Waller, a meddling and malignant justice of peace, in the business of the plot; contrived that Waller should overhear their conversation when he gave the MS. to Fitzharris, and kept a copy.†

Fitzharris proceeded with his manuscript to court,

* The treaty was not reduced to writing, and the terms were known only to Charles and Hyde on the one side, Louis and Barillon on the other. — *Dal. App.* 301.

† The title was "The true Englishman speaking plain English." It declared the king a papist, and the accomplice of his brother in the plot; and called upon Englishmen, not only to exclude the one, but depose the other from the throne by force of arms.

and was quickly followed by Waller. He could obtain admission to the king only by the circuitous introduction first of his cousin, next of her mistress. The magistrate, admitted directly to reveal his secret, was beforehand with him, and obtained a warrant of council to commit him prisoner to the Gatehouse.

The intriguer, thus caught in his own net, thought he might extricate himself by playing the same part which had been acted by Dangerfield; turned round upon the court, and communicated successively to Cornish the sheriff, the two secretaries, alderman Clayton, one of the members for London, and sir George Treby the recorder, a monstrous fiction about the murder of the king by the duke of York and the papists, an invasion of England and Ireland by the French; and the boiling down of the chief Whigs to a jelly, which, being duly sanctified, should be employed at the coronation of all future English monarchs in making them "the Lord's anointed."

The king, to prevent his being tampered with*, ordered his committal as a close prisoner to the Tower, and, to guard against his being made an instrument like Dangerfield, at the bar of either house by the Whigs, directed the attorney-general to institute a prosecution against him.† The exclusionists, however, did not renounce without a struggle the use of such an instrument for their purpose.

It is said that the Whigs and the king proceeded to their rendezvous at Oxford in mutual fear:—the former, of being seized as traitors by Charles, as his father had attempted to seize the five members; the latter, of being enforced to concede the demands of the house of commons. However this be, the king went, escorted by a body of cavalry; and the opposition members of both houses, with an armed and mounted escort of their

* North affirms that he was tampered with and lessoned by the two sheriffs before he disgorged his perjuries before Clayton and Treby; but a writer so biassed and intemperate merits little confidence.

† "To cross-bite them (the commons)," says the Life of James I. 669.

servants and retainers*, wearing ribbons inscribed with the words "No popery! No slavery!" and, if North's "Examen" may be relied on, having a provision of libels, lampoons, caricatures†, and street ballads, to serve the cause.

Charles, surrounded by his guards‡ and secure of his French pension, opened the session with an unusually laboured speech, in a tone of artful yet fearless rebuke and menace. It produced no effect, and was already forgotten at the end of four days, when the re-election of Williams to the chair, and the taking of the oaths, was gone through.

It is said that Shaftesbury, meanwhile, submitted in a private audience to the king§ "an expedient" so unworthy of his genius as to be scarcely credible. He told the king that a plan by which parliament would be conciliated, without the exclusion bill, had been communicated to him in an anonymous letter: it was simply settling upon the duke of Monmouth the succession to the crown. That Shaftesbury should throw out as a suggestion, upon the weak and vulgar basis of an anonymous letter, that which was the key-stone of his ambition and intrigues, can scarcely come within the range of moral possibility; unless by supposing now, what may be doubted of him at any time,—that restless and fruitless intriguing had affected both his temper and his faculties.

* The meeting was said to be more like that of a Polish diet than an English parliament.

† North (Examen, &c. 102.) gives the following description of some of the caricatures:—"One was the king with two faces, one towards *popery*, the other towards *protestantism*, for a *raree-show*, with his box of *parliament-motions* at his back, and the saints pulling him down into a ditch. Another was called *Mac Ninny*, which went for the duke of York; where he was expressed half jesuit, half devil; the former half with a brand in his hand, firing of *London*; and about half a dozen of the tantivies (the clergy) were mounted upon the church of England, booted, spurred, and riding it like an old hack, tantivy to *Rome*. And the famous writer of pamphlets on the court side, *Lestrange*, was a dog, with a broom (the rebus of his bookseller, whose name was *Broom*) tied to his neck, and a fiddle (to note one of his qualities) at his tail, running away from a whip. And the two universities, in square caps, standing by, cried, 'THIS IS OUR *towzer*.'"

‡ North, who says (Examen, 101.) that he attended the camp, not the court, to Oxford.

§ North, Examen, 123, 124.

The alleged conduct of the king has also its improbabilities. He is described as surprised and indignant at a proposition which did equal violence to his conscience and the laws. It is strange that the succession of Monmouth, which was a topic so familiar to him, should surprise his mind, and more strange that it should startle virtue such as his. He was, however, an habitual and accomplished dissembler. Shaftesbury, in conclusion, proposed to overcome the king's scruples by an act of parliament; but his majesty's conscience was inflexible.

The only circumstance urged in confirmation of this story is, that the exclusionists seemed to hold back for a moment, as if they awaited the result of some experiment: but it could not be this real or supposed intrigue; for they would have split instantly and violently upon the succession of Monmouth. It would have been spurned by the friends of the protestant son-in-law and daughters. The delay arose most likely from a secret understanding about the new expedient to be proposed by the king.*

In the house of commons, the first question was the printing of the votes, which, after some debate, was carried. The objection of one of the king's secretaries, sir Leoline Jenkins, merits notice. It was, he said, "against the gravity of the house, and a sort of appeal to the people." The removal of a bill of last session from the table, where it awaited, with other bills, the king's assent, was taken up with a just sense of so flagrant an act, postponed to the next day, and then referred for conference with the lords. "The king," said sir William Jones, "has one negative; but I never knew that the clerk of the parliament had another." †

The exclusion bill was moved on the same day

* This motive is avowed by colonel Birch. — *Parl. Hist.* iv. 1309.

† The abrupt dissolution of parliament prevented any further proceeding upon it. Another vote at the opening of this session deserves mention — a vote of thanks to those counties and boroughs which had returned their members without charge.

(March 24) by sir Nicholas Carew, but postponed to the next day but one by the desire of the chief leaders of the whig party. The interval was not thrown away. The depositions of Fitzharris were read at the bar, and secretary Jenkins was selected to carry an impeachment against him up to the lords. Jenkins took fire, particularly at the tone of derision and spite with which he was chosen for the task; refused the message as "put upon him for the character he bore; said he valued neither his life nor liberty; and, do what they would, he would not go." This was received with a violent cry "To the bar! to the bar!" His brother-lawyers were the most furious against him. Sir William Jones, an able lawyer, descended, as so many other lawyers do, from a parliamentary debater to a disingenuous pettifogger. It was, he said, the import of the secretary's words, that the king would not have them prosecute the popish plot; and they might as well go home as sit longer where they were. The issue was, that the secretary qualified his expressions, and charged himself with the impeachment.

The bill of exclusion was resumed on the 26th. It was introduced with a prelude, which remains a sad proof of the utter want of moral, honourable, or decorous scruple among the exclusionists. Some excuse may be made for producing the depositions of Fitzharris. His perjuries were relevant and new. None can be offered for producing the depositions of an informer named Serjeant, to the effect that a woman named Skipwith told him that the jesuit Ganon, executed for the plot, had, "contrary to his dying declaration of innocence, maintained to her, that the queen was not only warranted but bound in christian duty to kill the king for his infidelities, as, by conniving at the sin, she was accessory to his greater damnation." This deposition, taken on the 11th of February, 1680, was brought forward, for the first time, as an introduction to the order of the day for proceeding with the exclusion bill.

The bill was now moved by sir Robert Clayton, one of the city members, and seconded by lord Russell. Both professed to act in conformity with the instructions of their respective constituents. Montague scouted all expedients short of exclusion. He denounced the king's speech as more fit to be addressed to a French than an English parliament. "The greatest arbitrary power," said he, "that can be used in England, is to cow a parliament, and, it may be, that was the design of bringing us hither; but, be we called to York or all England over, we shall, I believe, be the same men, both as we are here and were at Westminster, in our opinions." This, in another man, might have been courage and independence—in Montague, a corrupt and criminal intriguer, it was effrontery. Others followed in the same strain, with passing allusions to the intimation of other securities for the protestant religion given in the king's speech.

At last, sir John Ernely, chancellor of the exchequer, after one or two faltering demonstrations of a secret which he would disclose, submitted to the house the new expedient. It proposed, in substance, that the duke of York should be banished, for his natural life, 500 miles from the three kingdoms and their dependencies; that upon a demise of the crown, the duke, if he survived, should have the title only of king; and the powers of the crown should be vested in the princess of Orange, or next heir, being protestant, provision being made in favour of any legitimate son born to James and educated a protestant; that all considerable papists should be banished by name, their fraudulent conveyances of their property defeated, and their children educated in the protestant faith.*

* The latter provision for banishing papists by name, because they were "considerable," and the still more revolting one of forcing from them their children, to be brought up protestants, in defiance of reason and nature, is not referred to in the record of the debate. But that record is imperfect; and there appears no reason to doubt the authenticity of the project, given in print for the first time by Echard, and repeated by Ralph and other historians. Echard is wrong only in saying "the great business of the exclusion *began* with it," &c. Whig writers slur over this latter part of the expedient. It is not alluded to by lord John Russell in his life of his ancestor,

This scheme was opposed with a force of reason seldom joined with the same violence of language by Hampden, Pultney, Vaughan, Birch, Winnington, Booth, and Capel. It was supported by Littleton, now a commissioner of the Admiralty, and a sort of mediator in the house; by Legge, afterwards lord Dartmouth; by Ernely; by the late secretary Coventry. Littleton argued that it would secure protestantism without violating the monarchical principle, and that the nation would rally round a protestant regency, the princess of Orange, and the laws. Jones replied, that the law of England did not allow the right in one person, and the exercise of it in another; and that the incapacity created by the proposed scheme would be purged away in law, like all other incapacities, by accession to the crown.

The latter part of this argument of Jones might be applied with no less force to the incapacity contemplated by the exclusion bill. It was in substance the high prerogative maxim of Jenkins against that bill.

The question appears to have been viewed in its justest and clearest light by Vaughan. He said, that a regency bill, leaving James the empty name of king, would expose the nation to the calamities of civil war, and so perplex the understanding of the people, that he might recover the throne by conquest, and deal as he pleased with religion, law, and liberty.

The project was rejected without a division, and a committee was appointed to prepare and bring in the exclusion bill.

The exclusionists were now represented by the court and its partisans as a faction whom no concession of security, however ample, by the king, could satisfy; because their real design was to subvert the throne. There was doubtless republicanism among them; but

or Mr. Hallam in his Constitutional History. Yet both reprobate, and very justly, the adoption of the same means by Louis XIV. when he revoked the edict of Nantes. Bishop Warburton, in his notes on Clarendon, has condemned, with frankness and liberality, the education of the children of Roman catholics as protestants, against the wishes of their parents.

the Whigs, properly so called, were as monarchist as the courtiers; and the rejection of a regency is one of the few party acts which entitle them to the praise of sound principle and political foresight. The exclusion, it is true, was as likely as the regency to produce a civil war; but it would not, like that scheme, divide or perplex the popular understanding by legal or ethical abstractions or distinctions *de facto* and *de jure*: it would go forth to the nation upon two great and clearly intelligible principles—the security of protestantism against a popish successor, and the power of parliaments over the succession to the crown.*

There is another justification of the exclusionists. The rejected scheme was probably offered in bad faith. Bishop Burnet, if his account may be credited, was the original projector in a conversation with Littleton, who succeeded in his recommendation of it to Halifax, Seymour, and the king. †

With Charles II. the whole art of government consisted in temporising and deceit; there are in the extant records of the debate on this occasion strong glimpses of suspicion, bearing directly on the court ‡; and it is stated, on the authority of the MS. letters of James II., that "it was resolved the king's servants in the house should begin the debate by proposing other means, to see if they could divide the members by it, and wean them from their fondness for the bill of exclusion." §

On the same day, and pending this debate, the im-

* See Burnet, ii. 277, 278. Note of speaker Onslow.

† The following is the bishop's account: "I had once, in a long discourse with him, (Littleton) argued against the expedients, because they did really reduce us to the state of a commonwealth. I thought a much better way was, that there should be a protector declared, with whom the regal power should be lodged; and that the prince of Orange should be the person. He approved the notion; but thought that the title protector was odious, since Cromwell had assumed it; and that therefore regent would be better: we dressed up a scheme of this for near two hours; and I dreamt no more of it. But some days after, he told me the notion took with some, and that both lord Halifax and Seymour liked it; but we wondered to find lord Sunderland did not go into it. He told me, after the parliament was dissolved, but in great secrecy, that the king himself liked it."—*Burnet*, ii 276.

‡ See Parl. Hist iv. 1318, &c.; more particularly Swynfin's speech (Ibid. 1319, 1320.); and Ralph, i. 674.

§ Life of James, &c. i. 671.

peachment against Fitzharris was carried up by secretary Jenkins to the lords. The attorney-general immediately informed their lordships that he had already instituted a prosecution against Fitzharris by order of the king. This was equivalent to an intimation that to proceed with the impeachment would be superfluous or irregular.

The impeachment was obviously designed to shield the culprit as an instrument to be used against the court. It was debated, accordingly, as a party question. The lord chancellor cited a proviso in an act of 4 Ed. 3., to show that it was not compulsory on their lordships to try a commoner. Other court lords said the culprit was beneath their notice, and already under process of law. On the opposition side it was contended, that in the cited case of the six murderers of Edward II. the impeachment was prosecuted by the king, but in that of Fitzharris by the commons of England; and their impeachment could not be rejected without a violation of their privilege and a denial of justice. The lords resolved, "that Edward Fitzharris should be proceeded with according to the course of the common law, and not by way of impeachment *at this time.*" They thus served the court by their vote, and evaded the question of right by an ambiguity.

The opposition minority on this occasion established a precedent of great constitutional importance. Hitherto individual lords simply recorded their protests. Nineteen lords, with the leave of the house, after a keen debate, entered on the journals their protests against this vote, with reasons.* These protests were adverse to the vote of the majority; but the lords preferred an extension of privilege to the interests of the court,—and as an appeal to reason against numbers, it was an extension in favour of public liberty.

* For this protest, and the constitutional law on the question of impeachments, see "Proceedings against Edward Fitzharris," State Trials (Howell's), vol. viii.

The vote of the lords threw the commons into an access of rage. Sir William Jones, who from a courtier had gone over to the exclusionists, and from a scorner of the popish plot become a "plot driver," — actuated, no doubt, by a lawyer's disappointed ambition, — argued that the vote of the lords was a denial of justice; denied the right of the lords spiritual to vote in any stage of a capital accusation; and said that they were denied justice by the bishops, who had not even the capacity to vote. "How the bishops," said sir Francis Winnington, "came to stifle this impeachment, let God and the world judge." The commons finally resolved, that it was their undoubted right to impeach any peer or commoner for treason or any other crime; that the refusal of the lords was a denial of justice, a violation of the constitution of parliaments, and an obstruction to the further discovery of the popish plot; and that for any inferior court to proceed against Edward Fitzharris, or any other person under impeachment by the commons, was a high breach of the privilege of parliament.*

The commons followed up this vote by ordering two bills, — to associate his majesty's protestant subjects, and banish "the most considerable papists" by their names, — and adjourned from the 26th to the 28th of March, the intervening day being Sunday.

On the morning of Monday the 28th the exclusion bill was brought in, read a first time, and ordered to be read a second time. Sir William Jones next took up the refusal of the lords to receive the impeachment of Fitzharris, but was soon interrupted by the usher of the black rod with a summons for the commons to attend his majesty in the house of lords. They instantly saw and submitted to their fate, and had expressed some misgivings of the event.

Charles, enabled by his French pension to dispense with supplies, had been resolved some time to rid himself of

* Parl. Hist. iv. 1332, &c. State Tracts, viii. 232. "Proceedings against Edward Fitzharris."

parliaments for the rest of his life, but carefully concealed his purpose. On the morning of the 28th, he started privately in a sedan chair with the robes of state disposed beside him, and the crown between his feet *, for the place of meeting of the lords; summoned the commons as before stated; told them "he perceived there were heats between the two houses;" that from such beginnings no good could be expected; and that he therefore thought fit to dissolve them. The chancellor pronounced the dissolution accordingly.

Thus ended the fifth and last parliament of Charles II. The popular or whig opposition had now become too powerful for the crown; and Charles, even without the resource of his wages from France, must have broken them as he now did, or place himself at their feet. The leaders are for the most part open to the reproach of selfish faction, religious intolerance, and, above all, bad faith.† But it was merit, if not virtue, to offer fearless resistance to a bad prince. Their great defect was that they were not men of action. They proceeded as if they thought every thing could be achieved by parliamentary speeches and majorities. Out of parliament they wanted ecurage and character. The dissolution was no sooner pronounced than they fled from Oxford, like a routed band, in panic terror. "Eye-witnesses," says one writer, "report that the king's breath scattered them like leaves in autumn."—"It is not to be expressed," says another, "what clatter there was in town about getting off; the price of coaches mounted cent. per cent. in a quarter of an hour." The departure of Charles is said to have

* This is Burnet's account. According to others, the robes and crown were carried in a second sedan-chair; upon opening which it was found that the "garter robes" were mistaken for the "robes of state;" and a peer, who happened to be present at the discovery, was detained by the king's attendants, half joke half earnest, a prisoner, until a messenger returned with the proper trappings.—*North's Examen*, &c.

† "Sir Henry Capel," says Ralph, "was, indeed, pleas'd to confess to sir Francis North, when urged in a private conversation for some better reasons than appeared for so violent a prosecution of the *exclusion bill, that they did not use to give the true reasons that swayed them in debates to the house.* And herein consists the main craft of faction,—to make the world adopt those arguments that they do not believe themselves."—*Ralph*, i. 580.

been equally precipitate. The truth seems to be, that the whigs and the king, like other parties making a great show of spirit, were afraid of each other.

Charles proceeded or fled directly to Windsor, came to Whitehall the next day but one, and published a royal declaration to justify his conduct. It was substantially a bill of indictment against the two last parliaments, which he had dissolved for their misdeeds; whilst his affection for parliaments and the protestant religion remained, he said, warm as ever. The declaration was not only printed in the gazette, but read in all churches by the king's order. The clergy obeyed the order without questioning. Churchmen are ever the humble servants of the crown whilst it lends itself to their interests or passions; and one of the charges against the two last parliaments in the declaration was, that they interfered with the execution of the penal laws against protestant dissenters. The scattered opposition printed a reply to the royal declaration, under the title of "A modest Defence of the late Parliament."* The first draft was made by Algernon Sidney, with too strong an infusion of the spirit of "the good old cause." Somers, now rising into eminence at the bar, brought it down to the whig standard, and Jones finally revised it.

There is something peculiarly imposing to the many in a show of spirit attended with success. The king's triumph over the opposition was complete. Addresses from all quarters, all classes, lay and spiritual, poured in upon him with the homage and the principles, not of loyal subjects, but of willing slaves.† Charles should

* It is republished from State Trials, temp. Car. ii. in Parl. Hist. iv. app 15.

† The following is the language addressed to him by the vice-chancellor of the university of Cambridge: "We will still believe and maintain, *That our kings derive not their titles from the people, but from God; that to him only they are accountable; that it belongs not to subjects either to create or censure, but to honour and obey their sovereign, who comes to be so, by a fundamental hereditary right of succession, which no religion, no law, no fault, no forfeiture can alter or diminish.*"

There is not perhaps extant a publication comparable, for gross adulation and abject servility, to the gazette for the remainder of this year, and the book entitled "Collection of Addresses," &c.

not be very severely blamed for governing henceforth as a despot men who seemed weary of their liberty.

The dissolution sealed the doom of Fitzharris. He was tried before sir Francis Pemberton, now chief justice in the room of Scroggs, under impeachment for high treason in the Court of King's Bench. Pemberton overruled his plea of a pending impeachment, and the arguments of the most eminent Whig counsel; the jury found him guilty; and he was executed at Tyburn. He left behind him a written confession, retracting his previous information, imputing to the sheriffs Bethell and Cornish, alderman Clayton, and Treby, the recorder, the subornation of his perjuries, and implicating lords Shaftesbury and Howard of Esrick. * But the king no longer needed such an instrument, and left him to his fate.

Charles II., from this period to his death, shook off some portion of his indolence, as if he had received a new sense of the luxury of tyrannic power. The field was open to him with little resistance, no apparent peril, and the temptation of revenge. Lord Howard had been committed to the Tower on the information of Fitzharris, his wife, and servant. The falsehood of their evidence was so glaring, that the grand jury threw out the bill. He claimed his liberty by writ of *habeas corpus*, and solicited it by petition to the king; he yet continued in the Tower several months before he was liberated on bail.

The two persons next selected for the vengeance, not of justice but of the court, were John Rouse and Stephen College; the first described as one of the Wapping followers of lord Shaftesbury; the other a carpenter —one of those vulgar partisans who brawl or labour at the tail of a party or a faction. His zeal had procured him the title of "the protestant joiner."

It may seem strange that the court should have thought it worth while to make examples of two victims so obscure and insignificant. The solution given in the party

* See the Confession in "Proceedings against Edward Fitzharris," State Trials, vol. viii.

publications of the time is, that it was expected by their means to reach Shaftesbury.

Ireland, it has been observed, had sent over her contingent of informers to support the popish plot. Among them were two persons named Macnamara, Thomas Smith, and Brian Haines. A schism had by this time taken place in the communion of informers. One party, including Dugdale and Tuberville, came over to the court; whilst the other, headed by Oates, adhered to the faith of the popish plot.

College was committed to the Tower by warrant of secretary Jenkins, and an indictment for various treasons against him presented to the grand jury of Middlesex. The chief witnesses were Dugdale, Haines, and Smith. The attorney-general, sir Robert Sawyer, distrusting the grand jury, obtained the order of the chief justice that the witnesses should be examined and the indictment disposed of in open court. The witnesses against College had been deemed worthy of belief in support of the popish plot. Their credit was sufficient to shed the blood of lord Stafford. The grand jury, notwithstanding, threw out the bill. This decision was most probably, if not certainly, right; but it put the brand of perjury on the popish plot; and the Whigs were asked, with bitter derision, whether they meant to impugn the veracity and character of their own witnesses. *

Rouse was equally, or rather more, fortunate for that time. The counts in his indictment had all reference to the county of Middlesex, whilst College was charged with treasons committed both in Middlesex and Oxford. It was determined to bring the latter to trial at the assizes in Oxford. The grand jury of Oxfordshire found the bills, after, it is said, being closeted some time with the crown lawyers †: the main charge against College

* The grand jury by way of cover insisted upon examining the witnesses privately and separately; and this privacy gave sufficient countenance to rumours which were immediately propagated, that the witnesses, when thus questioned, contradicted each other, and confessed themselves

† Hawles' Remarks in State Trials, vol. viii.

was, that he charged the king with a design to introduce arbitrary power and popery, and conspired to seize his majesty's person during the sitting of the late parliament at Oxford. The unhappy man was deprived of papers secretly conveyed to him for his defence*, found guilty, and executed. He protested his innocence, and is described by bishop Kennet as a victim sacrificed for the sins of his party.†

No evidence to reach Shaftesbury could be obtained from Rouse or College. It was supplied by his own indiscretion and intrigues, and he was committed to the Tower. Upon his first meeting one of the popish lords in the Tower, the latter asked him with surprise what had brought him there. He replied that "being troubled with the ague, he came to take some jesuit's powder."‡ It is said that at the council-board "the lords there seemed more afraid of him than he of his accusations;"§ that he became dejected when his commitment was signed‖; that he was hooted by the rabble on his way to the Tower; that he addressed a letter to the king from the Tower, offering to expatriate himself to his estate in Carolina as the price of his liberty; that the king rejected his offer, and left him to the course of law.¶ Nothing was more easy than to get him hooted by a hired rabble; and as to the imputation of cowardice, it is precisely the slander which party spirit would fix upon a fearless adversary.**

Shaftesbury espoused with great eagerness the Irish branch of the popish plot, and had taken "the Irish

* Jones, one of the judges, called one of the papers "a most seditious, libellous speech, to spit venom on the government in the face of the country." In vindication of the court it was urged that one of the prisoners for the popish plot had suffered the same wrong from the Whigs.

† Chief-justice (of the Common Pleas) North, the presiding judge, immediately on stepping out of his carriage, at Oxford, received a letter containing only these words—"You are the rogue the court relies on for drawing the first innocent blood."

‡ Sketch of his Life, in Harl. Mis. ix. p. 58, &c.

§ Life of James, &c. i. 688.

‖ Id. ibid.

¶ Sir John Reresby (Mem. 124.) asserts it as told him by lord Halifax.

** "The Life," &c. is in this case bad authority, even supposing the passage taken from the MSS. of James, for he was then in Scotland, and had only the information of others.

witnesses," so called, under his special protection. They now turned upon their patron, and charged him with subornation and treason. The basest arts were used, by not only the council, but the king, to prop the evidence of these infamous persons.* But even were the witnesses unimpeached, Shaftesbury was safe in the hands of a grand jury, selected by the sheriffs, Shute and Pilkington, not less devoted to his party than their predecessors, Bethel and Cornish. His papers had been seized and among them was found the draft, or prospectus of an association against popery and arbitrary power. There was not in the paper a trace of his handwriting; he declared that he knew nothing of it; and it was most likely a speculative scheme, submitted to him by some partisan. It was produced as evidence before the grand jury, in support of "the Irish witnesses," who swore that they were employed by him to seize the king's person at Oxford. The proceedings were conducted with the utmost violence of party strife; the grand jury ignored the bill; and the air was rent with shouts of triumph from the spectators, who thronged round the scene.

A new deluge of loyal addresses poured in upon the king, to console him under this disappointment. They were ascribed, according to bishop Burnet, for the most part to the clergy.† The bishop describes them, as expressing abhorrence of Shaftesbury's "association," and complaints of the denial of justice to the king, "set off with all the fulsome rhetoric that the penners could varnish them with."‡ Charles gratified the clergy in return, by ordering a severe enforcement of the prohibitions and penalties of the conventicle act.§

* "Narrative," &c. of captain Wilkinson, an old officer of the army, who, though a prisoner for debt, resisted the solicitations of the king in person to make him accuse Shaftesbury, who was his friend.

† The following are his words struck out by the original editors, and restored in the Oxford edition (ii. 297.):—"These were generally believed to be penned by the clergy; among whom the duke's (of York) health was always drunk with repeated shouts and huzzas; to which another health, 'To the confusion of all his enemies,' was commonly added."

‡ Id. ibid.

§ Neal, ii. 727., in which page there is a serious error or very gross falsification. "Witnesses," says Neal, in reviewing the misdeeds of the court

The loyal addresses were but idle palliatives, so long as the city of London could elect popular sheriffs, who would in their turn appoint popular grand juries. It was accordingly resolved by the king in council to wrest from the city its chartered rights and privileges; and an information was filed, in the nature of a *quo warranto*, calling upon the city of London to show by what authority it exercised them. The proceedings were so long and intricate, that judgment was not given before the next year but one. Chief-justice Saunders, an able but unprincipled lawyer, who had been one of the counsel against Shaftesbury, inspired the court with this daring iniquity.

Whilst the court, disappointed by the grand jury of London and Middlesex, was pursuing its vengeance against "the protestant joiner" College, before a more loyal or complying grand jury at Oxford, and held "the protestant peer," Shaftesbury, caged in the Tower, the prince of Orange made a sudden and unwelcome visit to the king. The heart of the duke of York quailed within him, when the news of the prince's arrival reached him at Edinburgh.* William appears to have had three objects in this visit: to set himself right with the king;† to advise the calling of a parliament; and to bring the king into the league, then in its infancy, between the prince of Orange and the other powers of Europe, against Louis XIV. Charles suspected his nephew of too close an intimacy with the Whig leaders; and Temple supposes that his own removal from the council was caused by his relations with the prince.‡ The success of William

and its partisans, "were imported from Ireland, and employed to swear away men's lives." He knew, or should have known, that the witnesses to whom he alludes were imported, not by the court, but by Shaftesbury and the other "popish plot-drivers."

* *Life*, &c. i. 690.

† Letters of Temple and Godolphin, in Dal. App. part I. iv. 5.

‡ Temple's words are remarkable: — "[illegible] friendship with the prince I could think no crime, considering how little he had ever meddled, *at least to my knowledge*, in our domestic concerns, since the first heats in parliament." (Temple's Works, ii. 548.) The qualifying words, "at least to my

him. It is strange that the above passage should be used by several Whig

was partial, if not doubtful. His chief aim was to bring the king to summon a parliament. He obtained Charles's leave to confer with some of the popular leaders, with the view to an agreement between him and the parliament; proceeded from Windsor to London, for the purpose; and was frequently closeted with lord Russell, and sir W. Jones.* The sheriffs, meanwhile, invited him to dine with the citizens. He readily accepted the invitation; and could not be diverted from it by the king's advisers, Halifax, Hyde, and Seymour. Nothing remained but an order from the king, which was brought by Seymour, post haste, and was submitted to with much frankness, and the worst possible grace, by the prince.†

The king's order was in the form of a desire to be immediately joined by him at Windsor. On his arrival there, he renewed his efforts with the king to procure the summoning of the parliament;—without however, so far as it appears, any specific proposal of accommodation from the popular party‡;—called in the Dutch and Spanish ambassadors to his aid; and left England, with the king's promise to call a parliament if the Low Countries should be attacked by France.§

historians, some of high character, as containing Temple's testimony to prove that the prince did not then meddle with English party politics. Assuredly he did; and he was well warranted to do so. It would be well for his fame if he could be reproached with nothing else.

* Dal. App. part I. p. 8.

† Life of James, 691, 692.

‡ M. Mazure (Hist de la Revolution, &c. 294.), but without reciting his authority, says, "Guillaume en effet avoit tout entrainé, en persuadant aux chefs des mécontents de promettre d'abondants subsides, sans exiger ni exclusion, ni limitations, ni changement des ministres, si le parlement étoit convoqué." The only authority seems to be a vague passage in the "Life of James," &c. i. 593.

§ There are two versions of the conference between the prince and the king; versions alike curious for their variances and coincidences: one is in North's "Examen," taken from the MS. notes of his brother, the lord-keeper:—"His highness pressed the king extremely to satisfy the nation, and agree with his people; that his majesty lent a favourable ear, bidding him ask any of the discontented party what would do it, and what were their whole demands: that the prince hereupon conferred with some of them; and gave for answer, that there was no undertaking for an assembly, for they would do as they pleased: but there must be *more* than the exclusion; for that was but parchment—which was nothing. That the king, thereupon, understood they must have the *militia*, &c.; and took occasion

Never was more worthless promise given even by Charles. He apologised for seeing his nephew to the ambassador of Louis XIV., and concerted with that person his answer to the Dutch and Spanish ambassadors, whom the prince of Orange had instructed to follow up his counsels.

Louis, at this time, had made the acquisition of the imperial city of Strasburg, and menaced Luxemburg, one of the keys to the Low Countries.

The confederates, now united under the name of "powers associated to guarantee the treaty of Nimeguen," were alarmed at the design of France to gain this fortress, and urged Charles to fulfil his engagements under his treaty with the court of Madrid. Louis, on the other hand, offered him a bribe of a million of livres for his acquiescence in the attack on Luxemburg. His choice could not be for a moment doubtful; he took the bribe, and by an aggravation of baseness offered himself as arbitrator in the dispute.*

The sole confidant of Charles was Hyde †, now a viscount, and the rival of Halifax. His conduct cannot be

to start a new question, which might have been put with more propriety at first, viz. *who were the nation? Suppose*, said his majesty, *as you have spoken with some who are for this, I should speak with thrice as many who are against it; would you call the giving satisfaction to a few a way to satisfy all? My friends are modest, quiet men, who make no noise, but are far more considerable than all the others.*" The writer proceeds to say, "That his highness wondered much at this declaration; for he thought the dissatisfy'd party infinitely more numerous than the other." But he was further told, "*That was because he conversed with none else; and that it was not in his power to know the temper and opinion of the people, and the value of parties, better than the king.*"

The other is in the "Life of James" (i. 691.). "When, therefore, he press'd for a parliament, the king asked him, Whether, in case it should propose again the bill of exclusion, he would advise him to pass it? He abhorr'd it: Then, says the king, but, if they proposed a limitation? He answered, The crowne could not be ty'd. Put (*the*) case, says his majesty; they insist upon haveing such officers in all employments as they can confide in, and so take the militia, navy, sea-portes, judges, &c. out of my power! He reply'd, he disclaim'd it. Why then, sayd the king, it being manifest that the parliament has, and consequently will insist upon these things, and that if, notwithstanding all this, a parliament be necessary, it behoves you to offer some measures to accommodate these contradictions: to which he desired time to consider, and leave to speake with whom he pleas'd about it: which being given him, he immediately return'd to London."

* Dal. App. ut sup. 18., &c.

† Id. ibid.

called unworthy of the son of Clarendon; and it is easily reconciled with the sway which he afterwards obtained as champion of protestant orthodoxy and the high church. The mantle or the mask of religious party zeal, like that of charity, covers a multitude of sins.

There is another, and more curious, trait of the political morals of this age in England. Pecuniary corruption, it has already appeared, was not confined to the court. The popular leaders who had already touched French gold, were competitors in the race of bribery with the king. Montague proposed to Barillon an arrangement for putting the French king in quiet possession of Luxemburg, by establishing a good understanding with himself and half-a-dozen of the opposition patriots.* Louis preferred his royal brother for his mercenary; and declined the overture.†

The departure of the prince of Orange somewhat relieved James of his fears. He earnestly pressed the king, during the prince's stay, to resist every suggestion of calling a parliament, and to crush an opposition which he had got under his feet.‡ His own policy in Scotland, as might be expected, was in accordance with this advice.

It has been observed, that Monmouth, by his arrangements in Scotland and his influence at court after the affair of Bothwell Bridge, reduced the fanatic covenanters to a state of comparative quiet. But neither the impression of a fearful defeat in the field, nor the connivance at their mode of worship, could subdue men delirious with the brain fever of fanaticism: nothing could have done it but a full toleration, which would have been regarded as impious in that age,—especially by those very covenanters who were the first to proscribe all other creeds and sects.

Two preachers, named Cameron and Cargill, retreated with a few of the more uncompromising or extravagant enthusiasts into the natural fortresses of the

* Dal. App. part I. 29. † Life of James, &c. i. 69.
‡ Id. ibid. 35.

country. Despised for the smallness of their numbers, or inaccessible in their wild retreats, they prayed without molestation for some time. A life of privation in wilds and glens made them savage: their security and enthusiasm filled them with visionary hopes of superhuman aid, victory, and vengeance. Cameron, with a chosen few, came out of his lair, and posted up at the cross of Sanquhair a paper denouncing Charles Stuart as a tyrant and usurper; and his brother James as a papist, and the enemy of God. A few dragoons sufficed to rout, cut down, or capture this handful of insurgent maniacs. Cameron, with his brother and a few more, were killed; some others were wounded, and made prisoners*,—among whom was Hackston of Rathillet, one of the murderers of the archbishop of St. Andrews.

Cargill escaped; and rallied his followers at Torwood, in Stirlingshire. His first act was, to excommunicate, and deliver over to Satan, Charles II., for perjury, adultery, drunkenness, dissembling with men, and mocking God; James, duke of York, as a papist idolater; the duke of Monmouth, as a slayer of the saints at Bothwell Bridge; Lauderdale, Mackenzie, and Dalzell, for blasphemy, adultery, and apostacy. It was necessary that such wild mischief should be checked, and the actors of it restrained. The proper course would have been the confinement and regimen of a lunatic asylum. The prisoners taken when Cameron fell, were executed as traitors. Other visionaries, male and female, were seized in field conventicles, or their places of retreat, and reserved in dungeons for the same fate.

The duke of York found Scotland in this state on his return to Edinburgh; an exile, for the second time, from his brother's court. His proceedings, or the spirit of them, may be regarded as matter of more than ordinary historic interest. They are generally referred as a practical refutation of his professed respect for

* They were henceforth generally designated "Cameronians."

liberty of conscience,—and as a proof that he was an intolerant bigot, who, not content with unmanacling catholics, would force popery upon protestants.

The question is, whether his policy and measures were inspired by religious bigotry, or by his political yearning for arbitrary, tyrannic power.

His behaviour in Scotland, during his first exile, was reserved and mild. He espoused no party, and moderated the severity of the Scottish council against conventicles.

On his second exile, his object was to strengthen himself against the English exclusionists, by securing his succession in Scotland as an absolute prince. He saw the scaffolds dripping with the blood of fanatics, who gloried in their martyrdom; and offered them life, upon a condition which, at first sight, would appear humane—that of praying for the king. A mere bigot would have demanded the renunciation of their religious tenets. But James, much less of a bigot than of a tyrant, would bind their conscience to the crown; and had the inhumanity to let some die upon their refusing his test.* Others he confined to hard labour in houses of correction, or shipped off to join a Scotch regiment in the service of Spain.

James's great object of securing his succession in Scotland, and strengthening that crown, could not be attained without a parliament. He accordingly solicited and received the king's letter, appointing him his majesty's commissioner for that purpose. The measures of James, religious and political, fell short of the spirit of coercion pervading this letter, which may be said to contain his instructions,—and which was dictated by the king's ministers, Halifax, Godolphin, Seymour, and Hyde.†

* The presence of James at the infliction of the torture is disputed. The arguments and authorities on both sides will, for the most part, be found in the State Trials.—*Howell*, x. "Trial of Spreul and Ferguson."

† The letter said: "That his majesty expected they would not connive at the *smallest appearances* of those wicked and seditious principles, which (how plausibly soever disguised, under the old pretences and fallacious masks of liberty and religion, ever least minded by the most clamorous

James, upon the meeting of the parliament of Scotland, promised to maintain episcopacy and suppress conventicles, in compliance with the king's letter*, and called upon the parliament, in return, to maintain inviolate the royal prerogative and the succession to the crown. The parliament, in reply, pledged itself to support the church and the monarchy, particularly against "the usurpations of popery and fanaticism." He passed over this offence to him as a religionist, in consideration of the regard shown to his interest, as successor to the crown.

The first act of the session was for securing the protestant religion against popery; but the next act declared and provided that no difference of religion, no law or statute made *or to be made*, could alter or divert the lineal succession to the crown, or stop the full, free, and actual administration of the government thus succeeded to; and that to attempt altering or suspending the right of succession by word or deed, was high treason in any subject of Scotland. James had thus a new and steady defence in Scotland against the English exclusionists.

A social system like the Scottish, sustained or actuated within itself by ambitious chiefs armed with hereditary jurisdictions and regalities, and having at their disposal semi-barbarous, warlike, and devoted clans, could not escape being distracted by violent feuds and litigating chicanery. A bill was brought in, under the auspices of James, to bring the authority and disputes of the petty chieftains of Scotland under subjection to the control and adjudication of the supreme courts.

No measure was, in appearance, more called for. It was artfully made subservient to James's main object of strengthening the prerogative by the reservation of a final appeal personally to the king, "who thus," says

pretenders to them) yet, in the issue, led to such monstrous effects, and rebellious extravagancies, as necessarily tended to the dissolution of all government and order."

* See last note.

bishop Burnet, " became master of the whole justice and property of the kingdom."

It was further necessary to break down the power of individuals; and the views of James were favoured by a combination of design and accident. Accusations of perjury and malversation as treasurer were brought, with the encouragement or connivance of James, against Hatton, brother-in-law of Lauderdale. James secured him from the brand of perjury, but obliged him to resign his offices, and pay a fine of 20,000*l.*

Lauderdale himself died about this time. It was said of him that he sank under the united burthen of his vast bulk, his years, and his iniquities.

But the most remarkable measure of this parliament was the enactment of a new test professedly against popery and fanaticism. If bishop Burnet may be relied on, it was designed against the duke, but turned adroitly by him and his advisers against the original propounders. From this conflict of artifices and interests, the test, as ultimately worded, was a tissue of inconsistencies. The first difficulty was to define what protestantism was, so as to embrace prelacy and the kirk. Lord Stair, as president of the court of session, was charged with wording this part of the test. He made the confession of 1560 in Scotland the standard, and, from ignorance or oversight, a confession adverse to prelacy, and admitting the lawfulness of resistance, was thus adopted. On the other hand, by a glaring contradiction, it acknowledged the king's ecclesiastical supremacy, professed passive obedience, disavowed any right of alteration in church or state, and renounced, as unlawful, the solemn league and covenant.

The duke, according to some leading members of the Scotch parliament, was disqualified as a papist from acting as the king's commissioner. But the lawyers explained, that his commission was not an office of trust or profit.

A provision was now introduced in his favour, to exempt the king's sons and brothers from the test. It was

opposed by the gallant Fletcher, of Saltoun, "with," says Dalrymple, "the fire of ancient eloquence and his own." Lord Belhaven said the great object was to provide against a popish successor, and was committed, by acclamation, to the castle of Edinburgh. Argyle, undismayed by the treatment of Belhaven, avowed the same sentiments, and excited in the mind of James a resentment, which soon endangered and ultimately cost him his life.

The test was to be taken by all public functionaries, under the sanction of an oath. Argyle, as a member of the council, was called upon to do so. He took it, but with the limitation "so far as it was consistent with itself," and did not preclude alterations in church and state "in a lawful way." James appeared satisfied, and invited Argyle to sit beside him at the council-board. Argyle had further to qualify as a commissioner of the treasury. The explanation admitted at the council-board would now not only not be listened to, but was made the ground of committing Argyle to the castle of Edinburgh, under the charges of perjury and a species of high treason, called in Scotland leasing-making.

These proceedings, it should be observed, took place at intervals;—and in pursuance of instructions from the king and council;—not by the mere authority of the duke as commissioner.

About the middle of December, Argyle was brought to trial before a tribunal composed of eleven peers and four commoners. They found him guilty. The marquis of Montrose, grandson of the famous and unfortunate marquis, presided as chancellor.

It would be vain to investigate the degree in which the intrigues of his enemies, and resentments of James, conspired in producing this atrocious verdict. The duke delayed judgment until the king's pleasure should be known; and Charles ordered that judgment should be given, but execution respited until further orders.

It is stated by various authorities, that neither the

king nor the duke had the remotest idea of touching "the life and fortune" of Argyle, and that James, upon a suggestion of such a result, replied with emotion, "Life and fortune! God forbid!" *—that their purpose was merely to humble his pride, and strip him of his heritable offices and privileges. Argyle himself believed at first his life in no danger, but was alarmed by symptoms of preparation for his death. James refused to see him, and threw out an ominous expression; troops were brought into Edinburgh; he received an intimation that he was to be removed in twenty-four hours to the common gaol, whence prisoners were usually conveyed to the scaffold. He desired to see his daughter; contrived to escape in the disguise of a footman, carrying his daughter's train; reached Holland in safety, and was sentenced to death and forfeiture in his absence.†

Upon the administration of James, as the king's commissioner in Scotland, the question may now be raised, whether the inference be not that the English people had much less to fear from him as a bigot than as a tyrant on the throne. But it suited those who would exalt the prerogative and the church at the cost of the liberties of the people, to throw undivided odium upon him as a papist. He was now on the eve of returning to court.

James, ever, intent upon his interests in England, constantly and earnestly solicited the king's leave to return. It was as steadily refused him through the influence of lord Halifax, except upon the condition of his conforming to the church of England. Hyde, in whom he had confidence, was sent to Edinburgh with the hope of persuading him; but found his popery and conscience immoveable. The king had still clung to the

* Life of James, &c. i. 709. Ralph, i. 663.

† Some of the Scottish council (if the "Life of James," &c. i. 170. may be relied on,) were for having the daughter of Argyle punished for her filial piety, by being whipped through the streets of Edinburgh; "but the duke of York prevented it, by saying, they were not used to deal so cruelly with ladies in his country."

hope, probably deceitful, that his brother's profession of protestantism would quiet the nation, and satisfy a new parliament.

It is a humiliating view of the affairs of a great nation, that the mere presence or absence of any individual—even the king's heir presumptive—should be the leading consideration with the government through many months. But it is still more humiliating that the question which thus occupied the government, and upon which hinged even the holding or not holding of a parliament, was decided by the king's mistress and a paltry money intrigue.

The duchess of Portsmouth, disenchanted of her hopes of the succession for her son, turned her thoughts to obtaining a provision for him out of the hereditary revenues of the crown. Sunderland, who cultivated her favour in his disgrace, suggested to her, that the duke's consent was indispensable; and that he should therefore be recalled. He was accordingly invited to join the court at Newmarket; promptly accepted the invitation; affected to lend himself to the project of the king's mistress; and concealed his knowledge that it could not be carried into effect without an act of parliament.* Sunderland at the same time was received into the king's favour, reconciled to the duke, and reinstated in office, through the influence of "the lady."

James, having remained in England for about a month, proceeded by water to Scotland, in order to settle the government of that kingdom and bring back his family. He narrowly escaped shipwreck in Yarmouth roads. The Gloucester frigate, in which he was with his suite, was lost upon a sand-bank, with about 100 persons, crew and passengers. The duke is charged by bishop Burnet with having cared only for the safety of his dogs, and of some persons supposed to be priests, when he found himself safe in the long boat. This appears to have been a calumny, too hastily adopted by the bishop through malice or credulity.† His chief anxiety

* See Life of James, sub. ann. 1681. † See Burnet, ii. 324. notes.

appears to have been for Churchill, afterwards duke of Marlborough, who requited his kindness at this trying moment, by desertion in his hour of distress. From a sort of disastrous fatality attached to this unlucky prince, his virtues seemed to have conspired with his vices for his ruin.

He proceeded to Scotland, placed the administration of that kingdom in the hands of three of his creatures, Perth, Queensbury, and Aberdeen; returned with his family to England, and was installed once more at St. James's.

The news of the duke of York's reinstatement at court brought his rival, the duke of Monmouth, back to England without the king's leave. He was received in the city with tumultuous joy; and, to improve his popularity, made a progress in the royal style through the midland and north-western counties. Several leading whig lords escorted him, with numerous retinues mounted and armed. He received the homage of the people in town and country as a prince; and at Liverpool ventured to put his royalty to the test of touching for the king's evil. The result of the experiment is not recorded.*

The court became alarmed at the popular excitement caused by Monmouth's presence; and a warrant for taking him into custody was sent down and executed upon him at Stafford in the public street. He immediately came to London by a writ of *habeas corpus;* and was liberated on the bail of lords Russell, Clare, and Grey.

Charles II., encouraged by the presence and counsels of his ill-starred brother, and served by intriguing courtiers and profligate lawyers, pursued without reserve that course of lawless tyranny which more immediately provoked the patriot confederacy, called the Rye-house plot, and shed the blood of two illustrious victims, in whom may be seen an heroic, rather than historic portraiture of the English character, —in the one, of its

* Dal i. 73, 74. from letters in the State Paper Office.

virtue; in the other, of its grandeur; and in both, of its native freedom.

Wilmer, foreman of the grand jury which threw out the indictment against College, was sent to the Tower, on a charge of high treason; and on its failure, prosecuted, on a groundless and malicious charge respecting the absence of an orphan boy, for whom he had provided on board ship. He was tried under an obsolete act requiring body for body; condemned to imprisonment until the re-appearance of the boy; and proclaimed a kidnapper.

The duke of York brought an action, under the statute *de scandalis magnatum*, against Pilkington, late sheriff of London; laid his damages at 100,000*l.*, — and obtained the full amount from the jury. The words charged, were, that Pilkington said, "the duke had fired the city, and was on his way from Scotland to cut the citizens' throats." Two aldermen, named Tulse and Hooker, proved the words; and sir Patience Ward, — who merely swore that he was present, and did not hear them, — was condemned, and sentenced to the pillory as a perjurer.* It is here necessary to state how the court came to be in a condition to pack juries, which should thus serve its tyranny and vengeance.

Sir John Moore, a person of weak character, professing himself no party man, became lord mayor out of respect for the custom of rotation, not for his character, and an affectation of being moderate on the part of the citizens. The court lawyers soon discovered the use which could be made of him. It was an ancient courtesy to the lord mayor, that he should be allowed to nominate one sheriff by drinking to him. Moore was told that this courtesy was a right, and drank to Dudley North, an adherent of the court in the city.† He refused to proceed to an election, upon which the sheriffs held a poll, and the citizens returned Papillion and Dubois, against

* Pilkington's real crime, whether he uttered the words or no, was his refusal to be of a city deputation, to congratulate James on his return from Scotland

† A Turkey merchant, and the brother of the chief justice.

North and Box, by overwhelming majorities. The lord mayor charged the sheriffs with irregularity and riot.* Two other elections took place under circumstances not alone of irregularity, but violence on the side of the lord mayor and the court. North, and a new candidate, Rich, in the room of Box, who had fined, were declared and installed sheriffs of London and Middlesex.

The court, thus substantially invested with the nomination of juries through its creatures, could afford to wait patiently and securely the result of the *quo warranto* question.

Similar proceedings were taken at the same time against other corporations, several of which surrendered their charters at discretion — those of Hereford and Nottingham taking the lead.

A committee was appointed by the king to receive informations, by which charters might be declared void; and, if a writer of great research amongst manuscript papers, but not equal impartiality, may be relied on, the greatest men in the nation became informers; — the right reverend bishop of Chichester (Lake), the accomplished Halifax, the virtuous Ormond, joining the meanest of mankind in promoting the voluntary surrender or legal forfeiture of chartered rights.†

* Lord John Russell says (Life of Lord Russell, ii. 16.) "the sheriffs were guilty of a great irregularity, for they held on the court and began a poll." It is true this opinion was given to the lord mayor, by the chief justice, North, at the council-board; but it is contrary to a previous decision from the bench, by chief justice Hale, in the following terms: "That if my lord mayor should be allowed such a right, privilege, and prerogative, as to dissolve the common-hall, without consent and leave of the greater part of the freemen, it would directly tend to the subversion of all the privileges of the city." Cited from lord Somers' Collection in *Ralph*, i. 690, 691.

† Dalrymple, i. 76. where he gives for his authority papers read by him in the State Paper Office. Judgment was not given against the city of London, till June, 1683. "Having gained that point (the election of sheriffs) the proceedings in the *quo warranto* were much quicker than before, and two arguments were only permitted in it on each side, the one in Hilary term, the other in Easter term; and so the case was ripe for judgment in Trinity term following, but must be, and was ushered in, with the discovery of a pretended plot; which so amazed the nation, that, though judgment in the *quo warranto* was given two days after the pretended discovery, nobody took any notice of it for several months after it was given. The truth was, nobody durst mutter against it, or question the legality of it; it was enough to have brought any person into the plot to have done it: it would have been called flying in the face of the government, questioning the justice of the nation, and such like cant." —*Hawles's Remarks, &c. State Trials*, viii. 13. 8.

CHAP. X.

1683—1685.

THE RYE-HOUSE PLOT. — FLIGHT, DEATH, AND CHARACTER OF SHAFTESBURY. — EXPLOSION OF THE PLOT. — LORD HOWARD OF ESRICK. — LORD RUSSELL. — HIS TRIAL. — DEATH OF LORD ESSEX. — EXECUTION OF LORD RUSSELL. — THE ASSASSINATION PLOT. — CHARACTER OF LORD RUSSELL AND THE WHIGS OF THIS PERIOD. — ALGERNON SIDNEY. — CHARTERS DECLARED FORFEIT. — TRIAL OF SIDNEY. — THE CHIEF JUSTICE JEFFREYS. — CONVICTION, DEATH, AND CHARACTER OF SIDNEY. — THE DUKE OF MONMOUTH. — LORD HALIFAX. — PROCEEDINGS IN SCOTLAND. — HOLLOWAY AND ARMSTRONG. — HAYES. — DANBY AND THE SURVIVING POPISH LORDS RELEASED FROM THE TOWER. — PROSECUTION OF OATES. — OF BRADDON AND SPEKE. — OF ROSEWELL. — THE DUKE OF YORK. — JEFFREYS AND NORTH. — CONVICTS FOR RECUSANCY. — GODOLPHIN, SUNDERLAND, ROCHESTER. — HALIFAX. — THE KING AT THE HEIGHT OF HIS POWER, AND THE NATION DEBASED. — MELANCHOLY OF THE KING. — COURT INTRIGUES. — ILLNESS OF THE KING. — RELIGION, DEATH, AND CHARACTER OF CHARLES II.

PARLIAMENTS being laid aside, legal rights violated, and justice prostituted, nothing remained for men who would be free, but secret organisation and the sword.* The conspiracy, if such it may be called, of 1683, began in the preceding year. The appointment of the sheriffs once gained, the court had at its mercy the lives and properties of all who should oppose, or had opposed, its tyranny. Shaftesbury withdrew to his house in Aldersgate-street, rejoicing in the violence of the court, and impatient for a rising. He urged Monmouth, Russell, and Essex, to take arms at once, if they would save their 1683.

* "Ad un principe cattivo," says Macchiavelli, "non e alcun che possa parlare, ne vi altro remedio che il ferro." — *Discorsi*, lib. i. cap. 58. It is doubtful, however, whether by the word "ferro," he understood the sword or the dagger.

heads; he pointed out the chances of success in the real weakness of the court, the influence of the opposition leaders in the counties, and his own power in the city, where he had "10,000 brisk boys, ready to act at the motion of his finger." It is told of him by a bishop*, that he said, "he should walk the king leisurely out of his dominions, and make the duke of York a vagabond on the earth like Cain."

Those upon whose co-operation he reckoned, hung back. Monmouth said he knew the difference between regular troops and a rabble; the two lords were governed by real or mistaken prudence,—the latter, if judged by the fatal result. Shaftesbury, enraged by this disappointment, reproached Monmouth with selfish views, and a secret understanding between him and the king; charged lord Essex, most unjustly, with having made his bargain for the chief government of Ireland; and did indirect but unequivocal homage to the disinterested character of lord Russell, by only saying his good faith was abused.

The truth seems to be, that Russell and Essex were decided upon preserving the monarchical form of government; looked chiefly to the exclusion of the duke of York; and were unwilling to engage themselves with Shaftesbury, from the restless impetuosity of his temper, and the inclination manifested by him for re-establishing the commonwealth. Monmouth was at once vain, selfish, and incapable.

The authority of contemporary writers, and even the sworn depositions in the affair of the Rye-house plot, are all at variance. There appears no question that Shaftesbury failed to keep an appointment with Monmouth at the house of Weston, a wine-merchant; and that he had made up his mind to the desperate hazard of insurrection with his "10,000 brisk boys," on his own account and unaided. Disappointed even in this project, and fearing for his life†, he fled to Holland,

* Sprat, True Account, &c. 9.

† The story told of the proximate cause of his flight in the recent "Life"

and died in January, 1683, of restless ambition, disappointment, and the gout, at Amsterdam.

Shaftesbury, with all his faults, is one of those spirits which a free nation and a great epoch could alone produce. There are upon his life two odious stains,—his sitting in judgment upon the judges of Charles I., and his inhuman conduct in the affair of the popish plot. He appears to have been in politics a sort of reckless utilitarian,—with this aggravation, that his standard of utility referred to himself, and not to his country or to mankind. His idol, it has been said of him, was ambition. For this he was a courtier and a patriot, and would have been, if he was not, a martyr. His restless, wayward, impatient genius made him change parties; but he never carried with him the secrets of one camp to another *; and he was trusted by men of honour to his last hour. He was unprincipled from the constitution of his mind or temperament, not from the baser impulses of human nature. In politics he was too much of a manœuvrer, —but adroit, fearless, and sagacious. With his friends or political associates, he was all frankness and zeal. The pecuniary corruption of his age, and of his party, did not reach him. As a judge, his purity, his discernment, his love of justice, his despatch, are praised by Dryden, who was his enemy. With his habits he could not have read studiously, or deeply; but he knew how to choose his reading: and he was distinguished for his varied acquirements, as well as for the charms of his wit and the superiority of his elo-

is incredible If lord Howard had already become an informer. and Shaftesbury knew it from lord Mordaunt, he assuredly would have warned the popular leaders of their danger

* Dalrymple has grossly wronged him on this point. "He (Shaftesbury) applied to Charles for leave to retire to America for ever, *and if this were granted, offered to disclose what he knew.*" There is not a glimpse of this offer in the memoirs of Reresby, the authority which Dalrymple cites. Again he says, "Shaftesbury asked pardon of the duke of York, and having told him of an intrigue of the duchess of Portsmouth to obtain the settlements of the crown on her son, offered to communicate to him other secrets, if he would pardon what was past." Now in the "Life of James" a literal extract from the MS. memoirs merely states that Shaftesbury sent "an ambiguous message," and that "it seemed that lord was not so well disposed to ask pardon, as the duke to give it."

quence. He hated a calm, and lived all his life in the turmoil of conspiracies, factions, and intrigues. He died in the 62d year of his age. His small and delicate body was then worn down * by his fiery soul. The epitaph of the famous marquess Trivulcio might be inscribed upon his tomb: —

"Hic quiescit qui nunquam quievit."

The affair, called the Rye-house plot, has been matter of dispute and doubt for a century and a half. On the one side, stands the evidence of accomplices swearing for their lives; on the other, the declarations and —it is most material to observe, — the admissions of a man whose public character was the most unsullied of his time, and who was adorned with every virtue of private and domestic life. These are to be weighed against each other in deciding whether the consultations, of which there appears no doubt, amounted to treasonable conspiracy by the law of England.

There were two classes of conspirators, if they should be so called, having two distinct objects: — the one comprising the leading lords and gentlemen formerly engaged in the exclusion bill, and now entertaining, if not engaged in, the project of securing the laws, liberties, and religion of the nation by force of arms; — the other, composed, for the most part, of the inferior and more desperate followers of lord Shaftesbury, who would prepare the way for insurrection, by assassinating the king and the duke of York. It is clear as day, that this design never for a moment found acceptance with the former; — but the court, having now at its beck the juries as well as the judges strained every circumstance and used every art to iden tify the two parties and their respective projects.

The names of Russell and Sidney naturally present themselves at the head of the first class; after them, lord Essex, who shared their patriotism and virtue;

* Dryden ascribes to him —

'A fiery soul, which, working out its way
Fretted the pigmy body to decay."

Hampden, grandson of the patriot, not quite worthy of his illustrious name; lord Howard, of infamous memory; lord Grey, a man of cultivated tastes and dissolute life, who had dishonoured his wife's sister under her father's roof, and aggravated his offence by his perfidy to his victim; the duke of Monmouth, who had nothing to redeem the weakness of his character and selfishness of his vanity, but a popularity founded on frivolous personal graces, and his dubious relation to the king. To these may be added sir Thomas Armstrong, a man of pleasure, like Grey; and Trenchard, an exclusionist, who had talked boldly in parliament, but whose heart is said to have failed him when he was called upon to act.

Of the inferior class, the more remarkable were Ferguson, a presbyterian minister, who united a conceited love of plotting with the art of providing for his personal safety; Rumbold, Rumsey, and Walcot, formerly officers; and Wildman, an officer and noted agitator in the army of the commonwealth.

The explosion of the conspiracy, pretended or real, took place on the 12th of June. Josiah Keeling, a tradesman in the city, presented himself to lord Dartmouth *, and offered to discover a plot against the king's life. Dartmouth took him to sir Leoline Jenkins, who told the informer his single testimony was insufficient. Keeling upon this contrived that his brother should be present during his conversation with Goodenough, a subaltern partisan, who had been undersheriff of London, and had employed Keeling as special constable to arrest Pritchard, the lord mayor, at the suit of Papillon and Dubois, claiming to be sheriffs. He was moreover in distressed circumstances, and thus under two strong incentives to false swearing, — fear and poverty. The information of the brothers was, that a band of fifty horsemen was formed to intercept and assassinate the king and the duke on their way from Newmarket to London, at a farm called the Rye-house,

* Colonel Legge, recently made a peer, and member of the council.

belonging to Rumbold, in Hertfordshire; that the plot was defeated by the king's return sooner than the expected time, in consequence of a fire at Newmarket; that upon its failure, the duke of Monmouth and several of his friends began to raise money and enroll men for a rising; and that lord Russell had declared his readiness to forward not only the armed rising, but the murder of the king and the duke.

A proclamation was immediately issued for the apprehension of nine of the inferior conspirators mentioned by name. Among them were Rumsey, and West a lawyer. Both surrendered themselves, and made ample disclosures, the lawyer taking the lead.

These proceedings must have reached the party leaders of higher rank; but they neither fled nor concealed themselves.

The king was absent from Whitehall and the council would not act without his sanction and presence, against the duke of Monmouth.

Meanwhile, a king's messenger was observed hovering before the house of lord Russell. Upon the king's return to town, Russell was brought before the council, and committed to the Tower. Upon entering the gate he observed to one of his servants who attended him, that "he was sworn against, and they would have his life." The servant, in answer, expressed his hope that his master's life was not in the power of his enemies. Lord Russell emphatically rejoined, "Yes! the devil is loose."* Such was the impression left upon him by his examination before the king in council.

It is said, that whilst under examination he did not appear self-possessed.† This may be credited without the slightest imputation on his personal firmness. He was placed between two antagonist scruples,—his religious respect for truth, and the fear of compromising his friends. A man of higher faculties and more

* Cited from MSS at Woburn, by lord John Russell, "Life," &c. ii. 25

† North's Examen, 380., on the authority of his brother, recently made lord-keeper, on the death of Nottingham. Carte's Ormond, ii. 528.

character would have given no answer whatever to questions obviously prepared to ensnare him.*

Proclamations were immediately issued for the arrest of several others. Lord Grey was brought before the council and examined. He protested, not only his innocence, but his loyalty, in an earnest and fearless tone, until Rumsey was confronted with him. He was then disconcerted — only for a moment — resumed his self-possession; was committed to the Tower at too late an hour to be received until next morning; remained meanwhile in custody of the serjeant; plied that officer with wine until he fell fast asleep†; took boat by the Thames; and reached Holland.‡

Lord Howard at first escaped accusation. The king wondered he was not in the plot, and said that his party thought him too great a rogue to be trusted. He spoke of "the plot" with ostentatious derision,—until the report reached him that West had given evidence. Upon this his alarm became extreme, and the persons charged with the warrant against him, after searching his house at Knightsbridge until they nearly despaired of finding him there, discovered him in a chimney.

This unhappy person had recommended himself by his professions of republicanism, probably not insincere, to Algernon Sidney, who introduced him to the confidence of lord Essex. Lord Russell was his kinsman, but felt towards him a degree of personal antipathy which might be regarded as ominous, were it not sufficiently accounted for by oppositions of character and sentiment. In an evil hour his repugnance was overcome, and he

* The heads of the examination are printed by Sprat, Appendix, 131.

† "Or pretended to be so," according to lord keeper North, in "North's Examen," &c.

‡ The following is bishop Burnet's account:—"He was brought before the council, where he behaved himself with great presence of mind. He was sent to the Tower: but the gates were shut; so he staid in the messenger's hands all night, whom he furnished so liberally with wine, that he was dead drunk. Next morning he went with him to the Tower gate, the messenger being again fast asleep. (Is this a blunder? S.) He himself called at the Tower gate, to bring the lieutenant of the Tower to receive a prisoner But he began to think he might be in danger: he found Rumsey was one witness; and if another should come in, he was gone: so he called for a pair of oars, and went away, leaving the drunken messenger fast asleep."—*Burnet*, ii. 369.

was induced to trust Howard on the recommendation of lord Essex.

Howard's want of nerve had been early observed by Russell and Hampden; and the latter advised him to secrete himself if he distrusted his resolution.

When brought before the council, he at first maintained silence; but his firmness, if such it was, soon gave way, probably to the intimations of his danger given to him by the council. He wept and sobbed, offered to confess in private to the king and the duke of York, and made disclosures which, true or false, proved fatal to Russell and Sidney.* Without the evidence of lord Howard, they had some chance of making successful battle for their lives.

Algernon Sidney, Essex, and Hampden, were next arrested, interrogated, and committed to the Tower upon the evidence, it is presumable, of the recreant lord Howard.†

Sidney, before the council, maintained his character. He declared that he would give no answer to ensnaring questions, and told them they must seek evidence against him from others than himself.

Essex had rejected his wife's entreaties to provide for his safety by flight, lest his flight should be regarded as a presumption against his friend lord Russell.‡ This conduct was generous, but not sustained by him to the last. He appeared confused upon the seizure of his person and his papers, dejected before the council, and despairing in the Tower. If bishop Burnet may be relied on, he sent a melancholy message to his lady, declaring that the charges against him were true, asking her forgiveness of the ruin which he had brought upon her, and stating that he had desired the presence of his brother-in-law, lord Clarendon, in order to speak to him without reserve. Lady Essex, with equal courage

* It would appear from lord John Russell's "Life," &c. (ii. 27, 28.) that he had made secret overtures to buy his life, by sacrificing lord Russell's, even before he was arrested.

† See Ralph, i. 736.

‡ Burnet, ii. 374.

and judgment, begged him, in reply, to think not of her and her children, but of his honour and safety; and imparted to him so much of her spirit, that he put off lord Clarendon with the pretence of desiring to correct some things which he had said before the council.

Hampden, like Sidney, refused to answer interrogatories, and was sent to the Tower.

The court and its partisans, already known by the party-name of Tories, now exulted over the crest-fallen Whigs; and there was a fresh inundation of loyal addresses in abhorrence of treasonable and king-killing conspirators. The city of London, once so mutinous, now tendered life and fortune to protect his most sacred majesty against "dissenting conventicles, atheistical persons, rebellious spirits, fanatical dissenters, infamous miscreants, monsters, &c.*;" and the magistrates of Middlesex, told the king that his life was worth a hundred millions of theirs; that the great remedy was the suppression of conventicles; that he must not in his mercy disarm his justice; and that "those execrable villains and traitors should be brought to condign punishment."

Whether the king gratified the zeal of the magistrates against conventicles does not appear, — but he soon slaked their thirst of blood. Walcot, Rouse, who had so narrowly escaped the fate of College, and a joiner named Hone, were brought to trial, convicted, and executed for the assassination plot. The chief witnesses against them were Rumsey, Keeling, and West, — whose evidence, if false, was more plausibly concerted than that of Oates and his colleagues in the popish plot. They protested their innocence of plotting against the king's life, but acknowledged enough to show that "lopping" the king and the duke was a familiar topic in their presence, but always started by the informers.†

* Gazette, No. 1871., and Collection of Addresses, &c 1683.

† Walcot wrote two letters, which, without being conclusive, are presumptive of conscious guilt, at least, of a consciousness of having compromised himself: one was addressed to sir Leoline Jenkins, offering to disclose all he knew, but he either knew nothing material, or became ashamed of

These trials and executions were designed to prepare the people for the sacrifice of higher victims. By the proceedings, the assassination plot was associated in the public mind with the names of the Whig leaders; and by the executions, the popular imagination, which, after revelling in the death scenes of the popish plot, revolted at last in the case of lord Stafford, was familiarised once more with the spectacle of blood.

Lord Russell was selected in preference to Essex, Sidney, and Hampden, prisoners with him in the Tower, because he was the most forward in his zeal against popery and the duke of York, according to some;—because the court had the strongest case against him, according to others. He was brought to trial within the bar of the Old Bailey, on the 13th of July, as a traitor. The indictment charged him in substance, with conspiring the death of the king, and consulting to levy war against him. The points of mere legal technicality raised during the trial, and over-ruled by the court, would here be out of place; and the leading incidents and traits had been so often related, that they may be noticed very briefly.

Lord Russell wished to have a postponement to the afternoon, in consequence of a mistake in furnishing the names of the jury. The chief justice, Pemberton*,

nis weakness, and consulted only his honour: the second, an intercepted letter, intended to solicit Rumsey and West "to be tender of him." He, however, defended himself on his trial with ingenuity and spirit, and reconciled those letters with that misprision of which he allowed himself guilty.

* He was chief justice of the common pleas, not the king's bench. Some mistakes of sir John Dalrymple and others respecting Pemberton are corrected in the State Trials (Howell's), vol. ix. pp. 580, 581., by the following note of the editor:—"Pemberton was not chief justice of the king's bench when he tried lord Russell, nor was he succeeded in the office of chief justice of the king's bench by Jeffreys, nor was the predecessor of Jeffreys in that office removed, otherwise than by the act of God; nor was Pemberton removed from the privy council before the trial of Sidney. Pemberton was made a justice of B R. in the beginning of Easter term, 31 Car. 2. A.D. 1679. (See 2 Show. 33.) He was displaced from that office after Hil. term in the next year, and returned to his practice at the bar (2 Show. 94.). In Easter week of the following year he was appointed chief justice of the king's bench (2 Show. 155.), from which office he was, in the vacation after Mich. term, 1682, removed to the place of chief justice of the common pleas (2 Show. 252.), and he was put out of that office in the vacation after Trinity term, 1683 (2 Show. 311.), shortly after the trial of lord Russell. He was removed from the privy council on the 24th of October following, as appears by an entry

was disposed to consent; but the attorney-general, sir Robert Sawyer, opposed the application with a taunt. "You," said he to lord Russell, "would not have given the king an hour's notice for saving his life."

The noble prisoner, having obtained pen, ink, and paper, a touching passage is recorded as having taken place between him, the court, and the attorney-general. He desired that lady Russell, who was present for the purpose, might be allowed to assist him.*

Lord Russell raised, his counsel argued, and the court over-ruled† the point, that by 2 Henry V., every juror in a capital trial should be possessed of at least 40*s.* a year freehold.

The first witness was Rumsey, who proved the presence of lord Russell with Monmouth, Grey, Armstrong, and Ferguson, at the house of Shepherd, the wine-merchant, during a conversation between them respecting the failure of Trenchard at Taunton, and the surprise of the guards at the Mews and Savoy. He was confirmed by Shepherd, but with some unsteadiness of expression and avowed distrust of his memory.

The third and chief witness was lord Howard. He

which I have myself seen in the council books. When Pemberton was removed from the chief justiceship of the king's bench, he was succeeded in that office by Saunders, who held it till his death, on the 19th of June, 1683, whereupon Jeffreys was appointed to it (2 Show. 308. 311)."

* It is recorded as follows in the State Trials, ix. 584, 585.:—

Lord Russell. My lord, may I not have the use of pen, ink, and paper?

Court. Yes, my lord.

Lord Russell. My lord, may I not make use of any papers I have?

L. C. J. Yes, by all means.

Lord Russell. May I have somebody to write, to help my memory?

Att. Gen. Yes, a servant.

L. C. J. Any of your servants shall assist you in writing any thing you please for you.

Lord Russell. My wife is here, my lord, to do it.

L. C. J. If my lady please to give herself the trouble.

The following copy of lady Russell's note is given by lord John Russell, ii. 34.:—

"*Endorsed,* 'To ask his leave to be at his trial.'

"Your friends believing I can do you some service at your trial, I am extreme willing to try; my resolution will hold out, pray let your's. But it may be the court will not let me; however, do you let me try. I think, however, to meet you at Richardson's, and then resolve: your brother Ned will be with me, and sister Marget."

† On the ground that the richest persons in London, however different in counties, were capitalists, not freeholders.

began by saying he appeared "with some confusion." and had not proceeded far, when his voice, through affectation or emotion, could not be heard. The court desired he would raise his voice, and the jury said they could not hear him. "There is," said he, "an unhappy accident which hath sunk my voice; I was but just now acquainted with the fate of my lord Essex."

That lord overcome by constitutional melancholy and the thought of being the innocent cause of the death of his friend, by persuading him to trust lord Howard, had destroyed himself in the Tower on the morning of the trial.* Party spirit on both sides seized this mournful incident with avidity. On one side it was said that the communication was made in court as a piece of stage effect, calculated to impress the jury with the guilt of lord Russell; on the other, the king and the duke who had visited the Tower arsenal that morning, were charged with having procured the murder of lord Essex in the Tower; and on both sides there is an utter want both of proof, of probability, and perhaps of good faith. Jeffreys, it is true, as one of the counsel for the crown, made a disingenuous and brutal use of it, indirectly or by implication, against lord Russell. He said that nothing but conscious guilt could have made lord Essex die by his own hand rather than abide the issue of a trial.

"Having thus," says the descendant and biographer of lord Russell, "shown his sensibility at the death of one of his victims, lord Howard proceeded to take away the life of another." Of his rambling narrative, it will suffice to observe, that mixing evidence on his own knowledge with hearsay, in a strain of plausible negligence and perfidious moderation, he brought home to lord Russell, so far as any value should be set on his oath, treasonable relations with lord Shaftesbury; participation in two consultations at the house of Hampden,

* See lord J. Russell, ii. 30., &c.; and Hallam, ii. 616, 617. State Trials, ix. 602, 603.

and the noble prisoner himself; and in sending a messenger to concert insurrection with the Scotch.

Lord Russell complained of the hardship of being exposed to hearsay evidence; upon which Pemberton, — whose conduct was yet exemplary for the time, — contented himself with saying, hearsay should not affect the prisoner; and allowed the witness to proceed as the attorney-general suggested, "in the order of time." He appealed to the infamy of the witnesses, their obvious motives, his own past life; he expressed his abhorrence of assassination; he repudiated the notion of redressing grievances in any other than a parliamentary way; he protested his loyalty to the king, and his dislike of all irregularities and innovations in the government.

There is a remarkable variance between the older and the more recent versions of a passage in his speech. After disclaiming rebellion as "a thing so wicked and withal impracticable that it never entered his thoughts," he continues, according to one account *, "a rebellion cannot be made now as it hath been in former times: we have few great men;" according to the latter and more authentic, "and it is known a rebellion cannot be now made here as in former times by a few great men." †

Both versions, on the face of them, are questionable. The first would look like a reminiscence of the long parliament, which would be in character from the lips of Sidney. Lord Russell neither resembled nor sympathised with the founders of the commonwealth; he was cast in a different mould. The second version makes him say, they were only a few great men who organised the armed resistance to Charles I. This may possibly have been his view, but it was obviously mistaken. The period to which he alludes was in nothing more remarkable than in the redundant growth of great minds, — of such men as Cromwell and Milton, Hampden, Pym, Ireton, and

* State Trials, ix 625. Dalrymple, improving upon this version, says, "there are now no great men left in England."

† Lord John Russell, "Life," &c. ii. 60, from a MS. in the handwriting of lord Russell, and endorsed as such by his widow.

Vane, and the two parliamentary generals, Essex and Fairfax. The masses which they inspired and actuated, were, it is true, a minority of the nation; but this will not bear out the expression of lord Russell. The age of lord Russell, again, could boast but of two men who could be called great, Shaftesbury and Sidney; and they were a legacy of the commonwealth. He was himself not great, but good.

Two counsel for the crown, Finch, afterwards lord Aylesford, and the noted Jeffreys, successively replied to lord Russell. The latter, after guarding the jury against any intrusion of pity, retorted with this retrospective sarcasm the iniquities of the popish plot. "I doubt not," said he, in reference to an objection of lord Russell *, "the prisoner at the bar did attend in the case of my lord Stafford, wherein one witness gave an account of a conspiracy in England, and Tuberville of another in France." "Gentlemen," said he, "we rake no jails for profligate persons." With the exception, however, of his allusion to lord Essex, he was merely artful and inhuman, without his usual brutality. Pemberton summed up with judicial temper and even fairness †; the jury having, or only affecting faith in the witnesses, found lord Russell guilty; and the recorder, Treby, who had sat by his side in the house of commons as an exclusionist, pronounced upon him the horrid sentence of the law upon traitors.

The life of lord Russell was some time in suspense. The proceedings during this interval cannot be gone over, without an interest painfully distracting — between the fear of finding his character compromised by ties of affection, and the infirmity of human nature on the one side,—and the sacrifice of a life so precious on the other. His father, the earl of Bedford, is said to have made an

* He contended that the 25 Edw. III. required two witnesses to each specific overt act.

† "Upon the whole matter," says he, at the close of his charge, "if you believe the prisoner at the bar to have *conspired the death of the king, and in order to that* to have held these consults that the witness (lord Howard) speaks of, you must find him guilty of this treason laid to his charge." Some modern judges have arrived at the overt act of compassing the king's death by constructions much more loose and sweeping.

offer of 50,000*l.* according to some, 100,000*l.* according to others, for the life of his son; and Charles to have refused it.* The offer is confirmed by implication in the earl's petition to the king. "Could your petitioner," says he, "have been admitted into your presence, he would have laid himself at your royal feet, in behalf of his unfortunate son, himself, and his distressed and disconsolate family, to implore your royal mercy; *which he never had the presumption to think could be obtained by any indirect means;* but shall think himself, wife, and children, much happier to be left but with bread and water, than to lose his dear son for so foul a crime as treason against the best of princes, for whose life he ever did, and ever shall pray, more than for his own. May God incline your majesty's heart to the prayers of an afflicted old father, and not bring my grey hairs with sorrow to my grave."

Lord Dartmouth, a Tory, one of the few men, Whig or Tory, who went through this reign and the revolution with fidelity and honour, suggested to the king that "pardoning lord Russell would lay an eternal obligation on a very great and numerous family; that the taking of his life would never be forgiven; and that some regard was due to lord Southampton's daughter and her children." He replied, "All that is true; but it is as true, that if I do not take his life, he will soon have mine."†

The affecting prayer of the father could have little effect upon Charles II.; but his fear of the son must have been very violent, when it could not be overcome by a bribe. It appears by an entry in the printed fragment of Monmouth's journal, that Charles was further influenced by the stern, but not unprovoked, animosity of his brother.‡

* Declaring, according to the Journal of Narcissus Luthell, in State Trials, ix. 1010., that "he would *purchase* (in the sense probably of bargaining for) his own and his subjects' blood at so easy a rate."

† Burnet, ii. 380. note.

‡ "29 took me aside, and falling upon the business of L. R., said, he inclined to have saved him, but was forced to it, otherwise he must have broke with 39. Bade me think no more of it."—*Welwood*, p. 310.

Lord Russell himself was induced not only to petition the king, but to address a letter to the duke of York. In the petition he again earnestly disclaimed "the least thought against the king's life, or any design to change the government;" he admitted his presence, "ignorantly and inadvertently," at meetings which he was afterwards convinced were "unlawful, and justly provoking to his majesty;" he offered, if his life were spared, to live in any part of the world which the king should appoint, and never meddle any more in the affairs of England, but as the king should be pleased to command.

His letter to the duke of York was placed in the hands of the duchess by lady Russell. He repeated in it his offer to the king, disclaimed all personal ill-will to the duke in the business of the exclusion bill, in which, if he was mistaken, he acted sincerely, without any ill end; and prayed his gracious intercession. He wrote the letter at the solicitation of his wife; and, whilst in the act of folding it, observed to Burnet, "this will be cried about the streets as my submission when I am hanged."

Both appeals were unavailing.

Some intimation was given, or idea entertained, that he might save his life by disavowing his principles; and not only Tillotson, then dean of Canterbury, but the Whig Burnet, tried to extort from him, as a theological tenet of the church of England, the liberticide declaration of passive obedience.

Burnet, sanguine and conceited, ran to Tillotson with the news of his success, and the latter conveyed it, through lord Halifax, to the king. But Tillotson soon discovered their mistake*, and intruded upon lord

* Lord Russell showed him the following as a passage of his intended speech on the scaffold: "For my part, I cannot deny, but I have been of opinion, that a free nation like this might defend their religion and liberties, when invaded, and taken from them, though under pretence and colour of law. But some eminent and worthy divines, who have had the charity to be often with me, and whom I value and esteem to a very great degree, have offered me weighty reasons to persuade me that faith and patience are the proper ways for the preservation of religion; and the method of the gospel is to suffer persecution rather than to use resistance. But if I have sinned in this, I hope God will not lay it to my charge, since he knows it was only a sin of ignorance."—*Lord John Russell's Life, &c.* ii. 82, 83.

Russell, the evening before his execution, when no hope of life remained, a polemical argument in writing, from which it might be inferred, that the divine thought more of fortifying a dogma of the high church than of saving the life of lord Russell.*

His friend, lord Cavendish, proposed to save his life by changing clothes with him, and taking his place. He generously refused,—and prepared himself with heroic virtue and Christian piety to die.

The king's warrant was for his death by simple decapitation, as in the case of lord Stafford. The cold-blooded sarcasm ascribed to Charles†, and already referred to, is rejected as a fabrication by lord John Russell. "I am," he writes, "the more inclined to distrust the anecdote, because, in the rest of this transaction, the king, though inexorable, seems by no means to have been wantonly unfeeling." There is in it, however, something not uncongenial to the temper and character of Charles. "The polite inhumanity" with which Dalrymple makes him answer Barillon respecting the visit of Rouvigny, is more questionable, and should perhaps be rejected. ‡

* "I beg," says he, "of your lordship to consider, how it will agree with an avowed asserting of the protestant religion, to go contrary to the general doctrine of the protestants. My end in this is to convince your lordship that you are in a very great and dangerous mistake, and being so convinced, that, which before was a sin of ignorance, will appear of a much more heinous nature, as in truth it is, and call for a very particular and deep repentance; which, if your lordship sincerely exercise upon the sight of your error, by a penitent acknowledgment of it to God and man, you will not only obtain forgiveness of God, *but prevent a mighty scandal to the reformed religion.* I am very loth to give your lordship any disquiet in the distress you are in, which I commiserate from my heart; but am much more concerned, that you do not leave the world *in a delusion and false peace, to the hindrance of your eternal happiness.*" (Lord John Russell's Life, &c. ii. 85.) In a churchman of the church of Rome, this would be priestcraft.

† Lord Russell shall find that I am possessed of a prerogative which he thought proper to deny me in the case of lord Stafford. See the trial and execution of lord Stafford in chap. viii. ad finem.

‡ The following is his account: "Amidst the dark and mischievous cloud of policy which the despatches at Versailles show France had spread over England, during the reign of Charles II., I was happy to see the tenderness of the friend, and the generosity of the monarch shine athwart. From Barillon's letter of July 19. 1683, it appears that upon lord Russell's condemnation, the younger Rouvigny, who was a relation to the Bedford family, and had been obliged to it for every hospitable civility in England, begged the life of his friend from Louis XIV.; that Louis consented to write to Charles in favour of lord Russell; that Barillon told Charles,

The place chosen for the execution was the unusual one of Lincoln's Inn Fields. He died there on the scaffold in the forty-fourth year of his age, on the 21st of July, 1683, manifesting at his death the virtues and sentiments which adorned his life. He said little on the scaffold; but a written speech, of which he placed a copy in the hands of the sheriff, was circulated by thousands in an hour after his death, to the great displeasure of the court. There is in it too much bitterness and bigotry against popery; but these were of the time; and moreover, Burnet is supposed to have had a share in the composition of it. Burnet offered to purge himself by his oath before the council.* It is certain, however, that he persuaded lord Russell to confine himself to popery, and pass over slavery, in what he should say on the scaffold†; and he admits that he gave lord Russell a scheme of the heads and of the order of the printed speech, "because lord Russell had not been accustomed to draw such papers!"‡ There is here a blending of the ludicrous with the tragical, which, upon a moment's thought, leaves an impression of deeper sadness. The bishop's proffered oath of purgation is more curious: — "I offered," says he, "to take my oath that the speech was *penned* by lord Russell himself." The Whig divine had evidently nothing to learn from the jesuits in the art of equivocating.§

Rouvigny was coming over with the letter; but that Charles, with a polite inhumanity, answered, 'Je ne veux pas empêcher que Monsieur de Rouvigny ne vienne pas ici, mais milord Russell aura le col coupé avant qu'il arrive.' 'I do not wish to prevent Monsieur de Rouvigny from coming here, but my lord Russell's head will be off before he arrives.'" (Dal. App. pt. i. 59.) The clumsy Anglo-French in a letter, supposed written by Barillon, and the omission of the answer in a later edition by Dalrymple himself, warrant the rejection. It appears, however, that Rouvigny the father, who was lady Russell's uncle, had the king's (Louis's) leave to come over on the occasion (Lord John Russell's Life, &c. ii. 76, 77.), and Dalrymple was most probably misled by a note loosely taken, or by the failure of his memory.

* Lord John Russell, Life, &c. ii. 124.

† "About half an hour before he was called on by the sheriffs, he took Dr. Burnet aside, and said that he meant to say something of the dangers of slavery as well as popery; but on Dr. Burnet's telling him, it would look like resentment, and begging him to let it alone, he smiled, and said he would do so."—*Lord John Russell's Life, &c.* ii. 102, 103.

‡ Burnet, ii. 382, 383.

§ See speaker Onslow's note on Burnet, ii. 390. This note cannot have

The Rye-house plot has been a vexed question down to the present day. It is, perhaps, not even yet wholly unaffected by the influence of sect and party. Hence the voluminous discussions, historical and critical, upon its reality and extent, are, for the most part, but disingenuous or declamatory party pleadings. One conspicuous exception should be made,—the diligent, sagacious, and fearless Ralph, who has kept the promise of his title page * through two thick folio volumes, and the strife of parties, from the restoration to queen Anne.† Any approach to detail would be here inadmissible. A few leading inferences from the leading facts may be presented for the reader's judgment.

With respect to the assassination plot—a project to dispatch the king and the duke was assuredly entertained by the meaner and more desperate satellites of lord Shaftesbury after his flight and death;—but it is very questionable whether even these desperadoes went farther than idle projects thrown out in a tone of braggart exaggeration. The most dastardly are the most prone to factitious violence; and the two informers, Rumsey and West—especially the latter—appear to have been the foremost and most earnest in the proposal of "lopping the two sparks." ‡ But passing over the dying declaration of Walcot, whose mind was strongly tinged with religious enthusiasm, and who had no hope

escaped so diligent and discerning a student as lord John Russell; it yet is passed by him without express notice, or any influence on his judgment. Sprat directly charges it upon Burnet, in the following charitable strain of insinuation from one dignitary of the church to another. "As to the whole matter of it, time, the best discoverer and light of truth, has since shown it to be full of enormous falsehoods; and for the manner of its composure, it was such as rather became the subtilty, artifice, and equivocation of some crafty hypocritical confessor or presbyterian casuist, than the noble plainness and simplicity of a gentleman, especially of one who, in this very paper, so much boasts of the sincerity and candour of his whole life, and of his perpetual hatred of tricks and evasions."

* "By a lover of truth and liberty."

† Ralph is called a Tory, doubtless from his disdaining to lend himself to the Whigs. His history is most honest and instructive. Few general readers will, perhaps, wade through two thick and closely printed folios of 1000 pages each, and few comparatively are aware of his merit.

‡ West's expression. See the evidence for the crown, in the trials of Walcot, Hone, and Rouse. — *State Trials*, ix.

of life; of Rumbold, who acknowledged his share in the expedition of Argyle, but repudiated indignantly the charge respecting the Rye-house plot*;—passing over the gross contradictions in the evidence of the witnesses in court and in their previous informations; the variances between them;—some swearing it was a plot to "assassinate," others to "secure" the king and the duke of York;—leaving all these circumstances out of the scale, there is one leading fact which is alone sufficient to prove, that had the king returned from Newmarket on the Saturday as expected,—and not on the Tuesday before Easter, as he did—the machinery of the plot, as described by the witnesses, could not possibly have been prepared for its execution. The design, according to the witnesses, was that a band of fifty horsemen, provided with arms, not only to overpower the guards, but, if necessary, to defend the Rye-house, should lie in wait there for the king and the duke. Now there is not a trace of evidence of the arming or recruiting of this band, or of any arrangements at the Rye-house, for lodging them and their horses,—beyond mere words on oath from the tainted lips of informers swearing to save their lives. In the short interval of three days, such preparation was morally impossible; and "the Rye-house plot,"—as described by the informers,—is incredible.

But, whatever the guilt, moral or legal, of those in-

* "Before his wounds had time to close, much less to heal, he was brought to his trial in an elbow-chair, on men's shoulders; and, before the charge against him was read, several questions were put to him by the court; to which he at first made no reply; but growing uneasy under their importunity, he gave them to understand that he did not think himself obliged to add to his own accusation; that there was no necessity he should, for they had matter enough already against him to do his business; and that therefore he did not design to fret his conscience with answering questions. The libel or indictment was then read; in which he was accused not only of being an accomplice with the earl of Argyle, but also of prosecuting his design to kill the king, as had been laid to his charge in the Rye-house conspiracy, and in his reply, he owned it all, except what related to any design on the king's person. 'Let all present,' said he, 'believe the words of a dying man: I never, directly nor indirectly, intended any such villany: I ever abhorred the very thoughts of it; and, blessed be God, I ever had such a reputation in the world, that no man had even the impudence to propose it. This is the only way I have now to clear myself; but at the last day the truth will be made manifest to all men." —*Trial of Rumbold.*

ferior conspirators, it is clear that lord Russell and his confederates were wholly unaware, and would have abhorred the suggestion of any design against the lives of the king and his brother. They were acquitted even by lord Howard*; and they have been accused only through unscrupulous party-spirit, or the effervescence of spiritual zeal.

Of contemplating or consulting on resistance and redress by force of arms, they are not equally clear. There must be something strangely oblique in the constitution of that mind, which, after perusing the records of this transaction, and of the time, would not receive with implicit faith whatsoever came from the lips or the pen of lord Russell,—always making allowance for the reserve of a man of honour, who would not violate confidence or bring others into danger. Lord Russell admits that he was present at "unlawful meetings," in which there was some discourse of the feasibleness of seizing or securing the guards; and that "things were said by some with more heat than judgment," expressly disapproved, but not discovered, by him, and amounting, he said, at most only to misprision of treason.† He did not deny his knowledge of Trenchard's affair at Taunton and the mission to Scotland. He acknowledged his being a member of the council of six‡,—and in fine he died a martyr to the right of armed resistance in defence of law and liberty. His disclaimer of any

* See his evidence, State Trials, ix. Trial of lord Russell, in lord John Russell's Life, &c. ii. 46, &c.

† See his trial, (State Trials, ix, and "Life," &c. by lord Russell). Burnet says, lord Russell told him, "there was nothing among them, but embryos of things — now quite dissolved." ii. 382.

Spratt's and Grey's account of the Rye-house plot, written, the one by a servile and aspiring churchman; the other, by a person earning his pardon for treason; and both under the immediate orders of James II., merit little confidence.

‡ Monmouth, Russell, Essex, Howard, Sidney, and Hampden! The existence of this "council of six" was admitted by Hampden after the revolution, with a vapouring assertion, the falsehood of which is clear to every person conversant with the history of the period, "that the coming in of king William was but the continuation of the council of six." (See his examination before the lords' committee, Lords' Journal, xiv.) Not one of those who signed the invitation to the prince of Orange was of the council of six, or concerned in what is miscalled the Rye-house plot, though some of them, as lord Cavendish (Devonshire) were conspicuous party leaders at the time.

design " to *alter* the government" is to be understood only as a disclaimer of changing it from monarchical to republican.

But whether the proceedings of lord Russell and his associates amounted to treason by the law of England, is a question upon which it would be rash to decide, or, indeed, to enter. The boundary between consultation and conspiracy, when the subject matter is rebellion, is a line so exquisitely fine-drawn by the ingenuity of lawyers and judges, that to touch is to transgress it ;— and they, who in such a case consult without conspiring, only prove their unfitness for the mission to which they pretend. Lord Russell, his friends, and generally the Whig leaders, were elegant tribunes, who harangued fearlessly in parliament, stood erect and undaunted under the frown of the court, and bowed, with graceful superiority, to the homage of the people. But they had principles without decision, views without grandeur, personal without moral courage, character without force. They were not of those masculine spirits, which nature at certain periods sends forth into the world for enterprise and achievement. Lord Russell lost his life with his cause, by sounding the depths, when others would have won safety and success by plunging boldly in.

The recent life of Shaftesbury pretends to be written from original family papers ; but the papers are rarely cited ; and no credit can be given to writers* so unfaithful and shortsighted as to pass over in silence the notorious fact and indelible infamy of Shaftesbury's sitting in judgment on the regicides. There is, however, internal evidence of truth in their account of his difference of opinion with the Whig leaders, on the eve of his flight. He proposed that the standard should be raised in several places at once ; offered to lead the first party ; observing, by way of jest, upon his gout, that he could not run away ; and failing to persuade them, exclaimed prophetically that " he left them to

* Mr. B. Martyn and Doctor Kippis.

be haled away in triumph to gaols and gibbets, and to die by the axe and the halter."* They distrusted with some reason the wayward character of Shaftesbury; they started back from the magnitude of his projects, which latterly embraced the restoration of the commonwealth†; they mistook his intrepid sagacity for rashness; they verified his prediction.

After Shaftesbury was withdrawn, their counsels were no less discordant and vacillating. A certain unison, not only of purpose, but of character, is essential in conspiracy. It was wanting in the council of six. Russell, born heir to a rich and splendid earldom, without bold views or faculties of the first order, could see nothing beyond a monarchy and a peerage,—limited his patriotism to the exclusion of the duke of York,—and would recoil alike from a popish successor and a commonwealth. Hampden shared his moderation without his earnestness and disinterestedness. Monmouth took counsel only of his vanity and his hopes of the succession. The republicanism of Algernon Sidney had now grown into a gnarled and decisive bias of his mind, from which he could not swerve. Essex, attached to Russell by political party and personal affection, but with ideas less confined, and a cast of mind more speculative than his friend, is said to have wavered between the views of Russell and Sidney. Howard had a real dislike of monarchical government, and would have followed in Sidney's train. The names of Russell and Sidney are associated in the page of history and the minds of men by their conspicuous martyrdom in

* ii. 320.

† Barillon, a good authority, looked upon Shaftesbury as seeking from the beginning to establish a republican government, of which he should be the head; and lord Howard, without any motive for falsehood, in a statement wholly irrelevant, said in his evidence that lord Shaftesbury declared his object to be a commonwealth (State Trials, ix. 605. Lord J. Russell's Life, &c. ii. 49.) Shaftesbury, perhaps, used the duke of Monmouth as an instrument, and would throw him aside when no longer serviceable. With the same views, he flattered the hopes of the duchess of Portsmouth for her son, the duke of Richmond. It is clear that Shaftesbury refused to let Monmouth know his place of concealment, or give him a meeting, from fear of being betrayed by that weak person, whom he both distrusted and despised.

the same cause; but they could not have concurred beyond the threshold in revolution.

The sacrifice of Algernon Sidney was delayed for some months after that of lord Russell; but the interval was well employed by the court for its purposes. A declaration, like that issued on the dissolution of the Oxford parliament, was put forth in the king's name, and ordered to be read by the parish clergy to their congregations throughout the kingdom. It was a slanderous and sophistical tirade, based upon the evidence for the crown in the Rye-house plot trials. Jones was dead; Sidney was in the tower; Somers was free, but had only the capacity without the courage to refute it; and it went abroad without reply.

The clergy, according to a writer of the time, were as prompt in their obedience as a standing army; and the church service itself was made an engine of the court. A day of thanksgiving and a new form of prayer were appointed for the escape of the royal brothers. "We yield unto thee," says the prayer, designed to proceed from the lips of the minister and the congregation to the throne of God, "from the very bottom of our hearts unfeigned thanks and praise, for the late signal and wonderful deliverance of our most gracious sovereign and his royal brother, appointed as sheep to the slaughter by the fanatic rage and treachery of wicked and ungodly men, in the most barbarous and savage manner."

But the crowning glory of the court was the noted decree of the university of Oxford, anathematising as "seditious, scandalous, impious, blasphemous, heretical, and damnable doctrines, destructive to the sacred persons of princes, their state and government and all human society," twenty-seven propositions, extracted from several writers.* The purpose of this decree was, in substance, to promulgate divine right and passive obedience in doctrine and practice, on pain of infamy in

* Among them are Milton and Bellarmine, Buchanan and Goodwin Baxter, and Hobbes, &c.;—a strange medley!

this world and damnation in the world to come. It was passed in full convocation on the 21st July,—the day of the execution of lord Russell.*

Whilst court divines were branding the doctrine of resistance as damnable, court pamphleteers and lawyers were stigmatising it with little less effect, as unfashionable.† "The Tories," says one writer of the time, "rode in triumph‡," and "it became unfashionable," says another, "to oppose the doctrine of passive obedience."

Judgment was given on the *quo warranto*, for the king, against the city, in the Trinity term, with little notice; amid the din, the confusion, and the terrors of the Rye-house plot; and in the following September, the common council surrendered their charter, that is, the right of electing their magistrates, to the king.§

Charles reduced the aldermen to their proper standard of servility by ungowning eight, among whom were Clayton, Ward, and Cornish. Treby did not sufficiently expiate his very equivocal virtue as a member of parliament, by passing sentence on lord Russell. He was removed, to make room for a new recorder, named Jenner, a lawyer, who had never, even by mistake, strayed into the path of independence. But the most remarkable promotion was that of Jeffreys to the chief justiceship of the king's bench in the room, not of Pemberton, but of Strange, who was some weeks dead—Jeffreys had signalized himself in the recent trials as a

* The Oxford divines, it will be found, apostatised from their solemn decree at the revolution; and it was publicly burned, by order of parliament, in the 1st Anne.

† The two chief propagandists were Filmer and Mackenzie; the one rescued from oblivion by Algernon Sidney and Locke; the other by the prostitution of his talents. Some of the arguments in Mackenzie's *Jus Regium* are such, that, like Machiavel in his "Prince," he might be suspected of a latent purpose to promote republicanism. One argument of his may be reduced to the following syllogism:—Monarchy is good, an unlimited is better than a limited good; *ergo*, an unlimited monarchy is better than a limited monarchy;—which may be regarded as an absurd conclusion, proving the falsehood of the premise.

‡ North's "Examen."

§ The common council divided upon it, and there was a respectable minority of 86 to 104.—*State Trials*, viii. 1039, &c.

legal bravo of the crown. His ferocity and adroitness* recommended him before the rest of the brotherhood as the fittest to be trusted with the sword of justice for the murder of a man, whose known character rendered it certain, that he would make heroic battle for his life.

Algernon Sidney was brought to trial, at the bar of the king's bench, on the 7th of November. The indictment charged him with conspiring against the government and life of the king; "to which ends, he had assisted at several traitorous consultations; sent one Aaron Smith on a traitorous mission to Scotland; and composed a traitorous libel, found among his papers."

The series of dialogue which followed, even as reported in the garbled version of the state trials, is powerfully dramatic. It seems a contest between the good and evil genius of the nation in that age. Sidney said,

* There are two sketches of Jeffreys at this period of his elevation: one by Burnet, who says, "All people were apprehensive of very black designs when they saw Jeffreys made lord chief justice, who was scandalously vicious, and was drunk every day; besides a drunkenness of fury in his temper that looked like enthusiasm. He did not consider the decencies of his post; nor did he so much as affect to seem impartial, as became a judge; but run out upon all occasions into declamations that did not become the bar." (Burnet, ii. 400.) The other, by North:—"His friendship," says he, "and conversation lay much among the good fellows and humourists; and his delights were all the extravagancies of the bottle. No friendship or dearness could be so great in private, that he would not use ill, and to an extravagant degree in public. Those above, or that could hurt or benefit him, and none else, might depend on fair quarter at his hands. His weakness was, that he could not reprehend without scolding, and in such Billingsgate language as should not come out of the mouth of any man. He called it, giving a lick with the rough side of his tongue. He seemed to lay nothing of his business to heart, nor care what he did or left undone." But then the same writer also says, "When he was in temper, and matters indifferent came before him, he became his seat of justice better than any other I ever saw in his place. He took a pleasure in mortifying fraudulent attorneys, and would deal forth his severities with a sort of majesty. He had extraordinary natural abilities, but little acquired beyond what practice in affairs had supplied.

The following very characteristic anecdote is related of him:—"We are told, that when he was chancellor, a petition coming before him against a certain city attorney, who had been greatly instrumental in bringing him into business; in which affidavit was made, that when the said attorney was threatened with being brought to answer for his conduct before the lord chancellor, and that, in a sort of contempt, he replied, '*My lord chancellor! Why, I made him;*' he cried out immediately, 'Then will I lay my maker by the heels;' and committed the man without mercy."

Speaker Onslow denies the assertion, that he was not learned in his profession. "I have heard sir J. Jekyl (master of the rolls) say otherwise. He had likewise great parts, and made a great chancellor in the business of that court. In mere private matters, he was thought an able and upright judge wherever he sat. But when the crown or his party were concerned, he was, as he is here represented, generally at least. O."—*Burnet*, ii. 400. note *a*.

that the indictment was unmeaning, and put in a special plea, by advice of his counsel Williams.* Jeffreys said, he must plead guilty, or not guilty. The attorney-general, sir Robert Sawyer, more insidiously wicked, said, "if he will demur, my lord, we will give him leave." A demurrer, it should be observed, admits the facts, whilst it denies the law; and this fatal admission was expected to escape Sidney, who had declared, that he never opened a law book, or was present at a trial. He appealed in his ignorance, affected or real, to Jeffreys; and that person, whose fury was not yet provoked by resistance, honestly told him, that to demur was a confession in law.† Williams was observed to prompt the accused; the crown lawyers remonstrated, and the chief justice reprimanded him. Sidney, in fine, pleaded "not guilty" under protest; demanded a copy of the indictment, and the aid of counsel; was refused both, because they had been refused to lord Russell; and was allowed a fortnight to prepare his defence.

On the 21st November, he re-appeared before the court. He again demanded a copy of the indictment; and produced, as his authority, an original record of the 46 Edward III., which he required to have read. Jeffreys, on the ground of a rule of court in the cases of Vane and Russell, would not give a copy of the indictment, or allow the reading of the statute. "We must not," says he, "spend time in discourses, to captivate the people." Sidney challenged some of the jury, as not being freeholders; and the court extended to Middlesex the rule applied in lord Russell's case, only to London.

The first witness was West, who proceeded in a rambling strain of hearsay evidence. "Pray," says one of the crown lawyers‡, "give an account to the court of what you know of a general insurrection."

* Afterwards distinguished less honourably as a law officer of James II. But unprincipled versatility was the rule, not the exception, with the lawyers of this age.

† State Trials, ix. 820.

‡ North, who has falsified the proceeding in his "Examen," and most shamelessly attempted to defend them.

Sidney interposed, by saying, "What he knows concerning me." Jeffreys replied, with as much truth as malice, "Mr. Sidney, you remember in all the trials about the late popish plot, how there was first a general account given of the plot. I do not doubt but you remember; and sir William Jones, against whose judgment, I believe, you won't object, was attorney at that time." It does not appear that Sidney made any reply to this embarrassing reminiscence.

Rumsey and Keeling, like West, gave vague and hearsay evidence. It was but an artful prelude to the direct evidence of lord Howard.

That wretched person now came forward to state, of his own knowledge, that Sidney was a member, and attended meetings of the council of six, and selected the agent who proceeded to Scotland. Sidney was asked what questions he would put to the witness. "I have no questions to put to him," was his reply, in a tone of scorn, which the attorney-general seized as a confession of guilt. "Silence,"—says he, "you know the proverb."

Lord Howard swore to overt acts of treason; but he was a single witness. The second witness, required under the statute, was supplied by a monstrous and memorable iniquity.* A manuscript treatise on government, in reply to the 'Patriarcha' of Filmer, written many years, and not intended for publication†, was found in Sidney's cabinet when his papers were seized. This abstract treatise, written long before the Rye-house plot, was introduced by the attorney-general, as follows, with unparalleled effrontery: "We have," said he, "done with this piece of our evidence (that of lord Howard); now to show that *while* this emissary was in Scotland, at *the same time* the colonel (*which*

* The manner is generally mis-stated. Sidney's MS. treatise was produced not as a second witness, but as an overt act, the proving of which afforded the pretence of setting up a second witness, as required by the statute. One witness to one overt act, and a second to another overt act of the same treason, were deemed sufficient in law.

† It was a small treatise; not the longer and more elaborate one published after the revolution. The following are a few short extracts from

will be another overt act of treason) was writing a treasonable pamphlet. I will call you the witnesses." The seizure having been proved, Shepherd swore his belief that the hand-writing was Sidney's, having seen him indorse bills of exchange. Two other persons, of whom one had seen him write but once, swore their belief that the writing was in his hand, from its likeness to his indorsements on bills.

Sidney objected, that similitude of hands was not evidence*; and demanded that the whole inculpated paper should be read. His objection was over-ruled,

the parts read in court:—"That if there be any injury, there may perhaps be an inconvenience, if the headless multitude may shake off the yoke." (This sentence is a quotation from Filmer.) "I know not why the multitude should be concluded to be headless; it is not always so. Moses was head of the multitude that went out of Egypt; .... the Athenians, rising against the thirty tyrants, had Thrasybulus; those that drove ——— from Thebes, were conducted by Pelopidas: when the Romans drove out the Tarquins, they chose Brutus and Publicola, and they destroyed the decemviri under Horatius and Valerius. All the multitudes that afterwards revolted were not headless; and we know of none that were, but all either found heads, or made them. .... When pride had changed Nebuchadnezzar into a beast, what should persuade the Assyrians not to drive him out amongst beasts, until God had restored unto him the heart of a man? When Tarquin had turned the regal monarchy of Rome into a most abominable tyranny, why should they not abolish it? And when the protestants of the Low Countries were so grievously oppressed by the power of Spain, under the proud, cruel, and savage conduct of the duke of Alva, why should they not make use of all the means that God had put into their hands for their deliverance? Let any man, who sees the present state of the Provinces that then united themselves, judge whether it is better for them to be as they are, or in the condition unto which his fury would have reduced them, unless they had, to please him, renounced God and their religion. Our author may say, they ought to have suffered. .... To which I answer, that by resisting they laid the foundation of many churches, that have produced multitudes of men, eminent in gifts and graces; and established a most glorious and happy commonwealth, that hath been, since its first beginning, the strongest pillar of the protestant cause now in the world, and a place of refuge unto those who in all parts of Europe have been oppressed."

* Mr. Hallam (Const. Hist. ii. 619, 620) treats this objection as inconsistent with the evidence in the State Trials, and an injustice to Jeffreys. "In regard to truth, and to that justice which cannot be denied to the worst men in their worst actions, I must observe that the common accusation against the court in this trial, of having admitted insufficient proof by the mere comparison of hand-writing, though alledged, not only in most of our historians, but in the act of parliament reversing Sidney's attainder, does not appear to be well founded; the testimony to that fact, unless the printed trial is falsified in an extraordinary degree, being such as would be received at present." The meaning of Sidney was, that the paper was brought home to him by witnesses who believed it his hand writing, from its similitude to his indorsements on bills of exchange. Of these witnesses one says, or is made to say, for the report of the trial was falsified by Jeffreys (Collins's Peerage, art. Sydney, earl of Leicester), that he had seen him write "several indorsements." Another had seen him write once; the third not at all. This is very different from the evidence of a witness swearing on his knowledge,

and the paper read only by garbled extracts, which yet no torture by inuendo, however artful and dishonest, could apply to the government or person of Charles II.

The manuscript was handed, by order of the court, to Sidney, with the suggestion, that by referring to other parts he might disprove the inuendos. It was an artifice to obtain from him an avowal that he was the author. Sidney perceived the purpose of Jeffreys and Sawyer, turned the leaves carelessly over, and gave it back, saying, "My lord, let him give an account of it that did it." *

Sidney was now challenged by the crown lawyers to defend himself, and the strife between him and Jeffreys began. It might be compared to that of a gallant captive disputing victory and life in the arena of ancient Rome, with a wild beast trained for the bloody sport. No idea of it can be given within the compass of these pages.* He asked, with sarcastic scorn, whether a

for instance, from having seen Sidney write it. It is also to be observed, that Sidney objected to it rather as *insufficient*, than as inadmissible evidence; for the reply of Jeffreys is, "reserve yourself until anon, then make all the advantageous remarks you can;" that is, "reserve it for your address to the jury." The question is not whether it would be evidence in the present age, but whether there was not a distinction as to proof by similitude of hands, and by direct knowledge between the civil and criminal procedure, in that age. It is clear that Jeffreys himself thought the evidence defective, for he tried to entrap Sidney into admitting the writing to be his See next note.

* The dialogue is curious:—

Att. gen. (*to the clerks of the crown.*) The latter end, the last sheet of all, sect. 35.

L. C J. The argument runs through the book, fixing the power in the people.

Cl of cr. 'The general revolt of a nation from its own magistrates can never be called rebellion.'

Att. gen. Sect. 37.

Cl. of cr. 'The power of calling and dissolving parliament is not in the king.'

Att gen. So much we shall make use of; if the colonel please to have any other part read to explain it, he may.

(Then the sheets were shown to colonel Sidney.)

Col. Sidney. I do not know what to make of it; I can read it.

L. C. J. Ay, no doubt of it, better than any man here. Fix on any part you have a mind to have read.

Sidney. I do not know what to say to it, to read it in pieces thus.

L. C. J. I perceive you have disposed them under certain heads; what heads would you have read?

Sidney. My lord, let him give an account of it that did it.

State Trials (*Howell's*), ix. 586, 587, &c.

† See State Trials, vol. ix., Sidney's Trial; and Ralph, i. 771, &c.

paper against Caligula and Nero could be an overt act of treason against Charles II.?—whether such a person as lord Howard, who had avowed that he was earning his pardon "by the drudgery of swearing," was entitled to credit in the eyes of God or man?—whether it was a crime to write against Filmer?—and whether (addressing the attorney-general) that person was not many years dead? Jeffreys interrupted him, by rebuking what he called "a luxuriant way of talking," and fiercely asked, "Do you own that paper?" Sidney replied, "No." "Go on then," said Jeffreys; and he did go on. "First," said he, "I say it (the paper) is not proved upon me; and secondly, it is not a crime if it be proved." Jeffreys, seeing that this dilemma, if pursued, might rescue Sidney from his fangs, first checked, and then adroitly directed him to the evidence of lord Howard. The gallant prisoner resisted, for a moment, this treacherous device, but was driven into it at last by Jeffreys, a perfidious, expert, and brutal wrangler;—by the other judges, one of whom gave him the lie *;—by his own eagerness to hold up lord Howard, and his evidence, to public scorn.

He then called several noblemen and gentlemen, who proved lord Howard's self-contradictions as a witness and baseness as a man; resumed his address to the jury; and was replied to by the two law officers of the crown,—and the chief justice. Finch, the solicitor-general, argued, that writing was an act. Jeffreys invested it with the solemnity of a maxim of law in the Latin language, *scribere est agere.*† The jury found the prisoner guilty; and he was taken back to the Tower.

On the 26th of November, Sidney was brought from the Tower to the king's bench, to receive the judgment

* Burnet, ii. 408. Some idea may be formed of this scene by the report in the State Trials, though notoriously garbled in favour of the judges.

† Id. ibid. Speaker Onslow has the following note upon the passage in Burnet:—"These words, although it was his argument, were not used by Finch, but Jefferies. They were generally given to the first, and by way of reproach, made an appellation for him: but see the State Trials. Yet see the Trial of the Seven Bishops, where he acknowledges and avows the words. The logic of these words was this: *A concealed act of writing is an open act in treason.*"—*Burnet*, ii. 408.

of the court. It was known that he would urge points in arrest of judgment, and Jeffreys was at his post.* He repeated the objection of want of freehold to the jurors, and his consequently having had no trial. It was over-ruled. The omission of the words *fidei defensor*, among the king's titles in the indictment, was objected by him as fatal to it. "But," said the furious chief-justice, "in that you would deprive the king of life, it is very full." Sidney returned to his argument about the manuscript. The chief justice, stopping him, said "there was scarcely a line of it that was not treason." † He continued to argue and expostulate — the chief justice to browbeat and insult. A barrister, named Bamfield, interposed on behalf of the prisoner, as *amicus curiæ*, and was silenced by Jeffreys with the declaration, that nothing remained but to pass sentence. "I must," said Sidney, "appeal to God and the world."— "Appeal to whom you will," said the furious chief justice.

Sidney heard the horrid words unmoved; after which he exclaimed with firmness and solemnity: "Then, O God! O God! I beseech thee to sanctify these sufferings unto me, and impute not my blood to the country nor the city through which I am to be drawn. Let no inquisition be made for it; but if any; and the shedding of blood that is innocent must be revenged, let the weight of it fall only upon those that maliciously persecute me for righteousness' sake." The ferocious hypocrite, Jeffreys, exclaimed in his turn: "I pray God work in you a temper fit to go into the other world, for I see you are not fit for this;" to which Sidney made his memorable reply: — "My lord," said he, holding out his hand, "feel my pulse, feel if I am disordered. I bless God I never was in a better temper

* It was not the usage that the chief justice should pass sentence: in lord Russell's case it was thrown upon the recorder, Treby. But Jeffreys alone was able to cope with the prisoner, even in chains

† Thus Jeffreys and Tillotson — the court judges and the court divines — doomed the doctrine of resistance to tyranny; — that is, the friends of reason, freedom, and mankind, even in speculation — to the scaffold in this world, and damnation in the next.

than I am now." "Never," says a historian, who has entered fully into this trial, "were the forms and ceremonies of law more wickedly abused, than when Jeffreys was the priest and Sidney the sacrifice."

The brief interval between his sentence and his death was signalised by traits of courage and magnanimity worthy of his life. He placed in the hands of lord Halifax, who was his relative by marriage, a statement of the wrongs which he had suffered on his trial, and petitioned the king not for mercy but justice. The flagrant iniquity of his condemnation, and the fact that he had saved the life of Charles in exile, were expected to procure him a pardon; but Jeffreys, like a blood-hound not to be disappointed of his quarry, cried out, says bishop Burnet, "in his furious way, that either he or Sidney must die."* He smiled at the sight of the fatal warrant; mounted the scaffold with an air of triumph; placed a paper in the hands of the sheriff; and had his head severed from his body at a blow, on the 8th of December, at Tower Hill.†

Thus died the last of a great race, — the founders of the English commonwealth. Of him may be said, with more truth than of lord Chatham, that, "original and unaccommodating, the features of his character bore the hardihood of antiquity." He committed mistakes, — of which the fatal one was his hope of grafting those sentiments, which he had himself derived from the ancients, upon the degeneracy of modern mankind.‡ It may be said that when he fell, the last

* The duke of York, doubtless, threw his weight into the scale "Algernon Sidney," says he, in a letter to the prince of Orange (Dal. App. i. 54.) "is to be beheaded on Friday next on the Tower Hill, which, besides the doing justice on so ill a man, will give the lie to the whigs, who reported he was not to suffer."

† James mentions his death, with a curious blending of generous truth, harsh disposition, and despotic temper. "Algernon Sidney," says he, in a letter to the prince of Orange (Dal. App. i. 55.), "died very resolutely, and like a true rebel and republican."

‡ Being requested to write something with his name in the album of a foreign university, he wrote from Lucan's 'Pharsalia'—

"Manus hic inimica tyrannis."

It applied to Cato, and the succeeding verse is —

"Ense petit placidam cum libertate quietem."

It is probable that Sidney did not approve this sentiment, for he neither wrote it in the album, nor acted upon it in the Tower.

standing column of the English commonwealth, by which men might judge the grandeur of the fabric, was struck down. His last breath was given to that commonwealth, as the temple of his worship in youth and age. "By these means," says he, after recapitulating the infamous arts by which he was condemned, "I am brought to this place. The Lord forgive these practices, and avert the evils that threaten the nation from them. The Lord sanctify these my sufferings unto me; and though I fall as a sacrifice unto idols, suffer not idolatry to be established in this land. Bless thy people and save them. Defend thy own cause, and defend those that defend it. Stir up such as are faint; direct those that are willing; confirm those that waver; give wisdom and integrity unto all. Order all things, so as may most redound unto thine own glory. Grant that I may die glorifying thee for all thy mercies, and that at the last thou hast permitted me to be singled out as a witness of thy truth; and even by the confession of my opposers, for that GOOD OLD CAUSE in which I was from my youth engaged, and for which thou hast often and wonderfully declared thyself."* The meaner partizans of toryism have long ceased to malign him; the superior spirits of that party bow before his character whilst they combat his principles; but the whigs still pursue his name with insidious petty defamation.

Sidney despised both the pretensions and the character of the duke of Monmouth. His execution is ascribed, but without sufficient grounds, to the vacillations of that weak person, and the intriguing disposition of lord Halifax. The result, however, if it really took place, was involuntary and unforeseen on the part of both. Halifax had interceded for the life of lord Russell, and he was the trusted relative of Algernon Sidney. That manœuvring politician, alarmed at the ascendancy of the duke of York, formed the design of

* An amplified, but not improved, version of this paper is given in the edition of his works by Brand Hollis, in 1772.

counteracting it by the antagonist influence of Monmouth. He accordingly induced Monmouth to write from his retreat, or rather to sign* letters of penitent supplication to the king. Charles met his son, if such he was, in private, and offered him forgiveness upon his unconditional submission and confession of his crime. Monmouth reluctantly, and at the pressing instance of lord Halifax, humbled himself in a private interview, not only to the king, but to the duke of York†, confessed the plot, but with the denial of all knowledge of any design against their lives, and was restored to favour with the usual court ceremony of kissing hands.

There are various and conflicting versions of the course of this intrigue,—for such it may be called. Charles appears to have given full play to his natural vein of deceitful manœuvring. It is not easy, perhaps not possible, to unravel at this distance the thoughts of so consummate a master in deception. But two inferences may be drawn from the various authorities‡, almost to a moral certainty:—first, that Monmouth's scene of penitence and confession was a mere masquerade concerted between him and the king "to blind the duke of York§:"—next, that the king deceived Monmouth into a confession of the plot, by assuring him that no use should be made of it inconsistent with that ill-fated person's safety and honour;—an assurance which he violated by emblazoning Monmouth's confession and his shame next day in the gazette.

Monmouth, indignant at this breach of faith, had yet prudence enough to wait until his pardon was made out in due form. He then circulated abroad, by means

* Burnet, ii. 411. "Lord Halifax," says Burnet, "drew them all, as he himself told me, and showed me his own draughts of them." They are to be found in various State Tracts, and in Ralph, 787.

esby's Memoirs.
irte's Ormond, ii. 531.
Welwood's Appendix).

Reresl

Bishop Sprat's "True Account," &c. which last has been called bishop Sprat's "False Account," &c.; as Burnet's History of his Own Times has been called "Bishop Burnet's Story Book." Dal. App. Letters of the duke of York to the prince of Orange, sub ann. 1683.

§ Monmouth's Diary in Welwood's Appendix.

of his creatures, that the account in the gazette was a fabrication of the court. Upon being told, that the king said he had not only confessed the plot, but confirmed lord Howard, he denied it with the addition that "Lord Howard was a rogue and a liar."

Charles was angry in his turn, and, by the advice of the duke of Ormond, demanded and obtained from his weak and wavering son a written paper, under his hand, contradicting the rumours which he had himself authorised, and confirming the announcement in the gazette. "This paper," said Monmouth, when giving it to the king, "will hang young Hampden." "No," said Charles, "it shall never be used to such a purpose; and even if it were, a better man, Gaston, duke of Orleans, brother of Louis XIII., was forced to make his peace by hanging his comrades, and it would be serving you right to oblige you to the same thing."

Monmouth supped that night with Trenchard of Taunton, and Hampden, the father, came next day in despair to the king; asked, and with difficulty got back the paper; and received orders, through the lord chamberlain, to appear no more in the king's presence. He retired to his country-house, but, at the instigation of his wife, again offered to sign the required confession; received for answer from the court a subpœna to give evidence on the trial of Hampden, and fled, first to Flanders, where he was well received by the Spanish chief governor, next to Holland, where he had a still more friendly reception from the prince of Orange.*

Lord Halifax was one of the most active and interested parties in this intrigue. He laboured to re-

* Why the prince of Orange should receive thus kindly a rival for the throne, exposing himself, moreover, to the anger and remonstrances of the duke of York, is not clear. He may have been influenced by his conviction, that though he offended the duke, he did not really displease the king, who was still secretly attached to Monmouth: he was naturally anxious to conciliate Monmouth's party in England; and he must have seen in Monmouth, not a rival, but a weak person, over whom he could exert that magic which Leonora Galigai confessed, at the stake, she had exercised over Mary of Medici, "the power of a strong mind over a weak one."

instate Monmouth at court, as an antagonist to the duke of York, who favoured his present great rival, Hyde, earl of Rochester. The result was his disappointment, and, it is said, an event which he neither desired nor anticipated — the execution of Algernon Sidney. It is supposed that Sidney's iniquitous sentence would not have been executed, but that it was thought that mercy to him would be regarded as confirming the rumours spread by Monmouth and his partizans, of his not only not having confessed the plot, but of his having satisfied the king that it had no real existence.* The death of Sidney assuredly gave pain to lord Halifax, who, with his faults as a politician, was personally generous and humane, — like most men of superior and cultivated minds, — and, as before stated, had made efforts to save the life of lord Russell.†

The plot, meanwhile, was still hunted down with aggravated atrocities by the tribunals. No evidence could be found to reach, with any saving of appearances, the Scotch plotters arrested in London. They were sent back to Scotland. Warrants were issued against several lords and gentlemen of that kingdom, some of whom were seized, and others escaped to Holland. Spence, secretary to Argyle, and Carstaires, a preacher, upon their arrival from London as prisoners at Edinburgh, were put to the torture by various modes; bore it with wonderful fortitude; and confessed, only upon the condition that they should not appear as witnesses.

Baillie of Jerrieswood, a man of honour and courage, but broken down by infirmities, was found guilty, in gross violation of the forms of procedure in Scotland.‡

* The duke of Ormond says, in one of his letters (Carte's Ormond, ut suprà), "This happened in a conjuncture, perhaps, fatal to Mr. Algernon Sidney, whose life could not then have been spared, but that the mercy would have been interpreted to proceed from the satisfaction the duke of Monmouth had given the king, that there was no real conspiracy to trouble, at least not to change, the government, among those he had joined and consulted with, whatever they might intend who had (as we are to believe a separate conspiracy against the king and the duke's lives."

† See lord Russell's letter in "Life," &c. by lord J. Russell.

‡ Burnet, ii. 428, &c.

He was so infirm that he was executed the same day, lest death, by the visitation of God and nature, should rescue him from the vengeance and wickedness of man. Whilst Gordon of Earlstone lay under sentence of death for treason, an intimation was conveyed that he was the depository of great secrets. The Scotch council, upon this, wrote to one of the king's secretaries in London, to know whether a prisoner under sentence might be put to the torture; the secretary referred to the lord advocate of Scotland; that officer answered that it was lawful; the council confronted the convict-prisoner and the engine; and the fright threw him into madness.*

The court, after a brief respite in England, called the services and peculiar faculties of the chief justice Jeffreys into full activity at the commencement of the new
1684. year. The first victim was sir Samuel Barnadiston. He had been foreman of the grand jury which threw out the bill of indictment against Lord Shaftesbury. A private letter, addressed by him to sir Philip Skippon, was obtained surreptitiously before it reached its destination; the seal broken; and the contents proceeded against as a seditious libel. It was nothing more than an expression of the writer's joy at the reconciliation of Monmouth to the king, and the consequent mortification of the duke of York and his friends.

Jeffreys, after giving the writer of the letter, — to adopt the very expressive, if not very dignified, vocabulary of the chief justice himself, — "a few licks with the rough side of his tongue," said the letter bordered on high treason. The complaisant jury, returned by the king's nominees, found Barnadiston guilty, without even retiring to deliberate; and justice Withens, whose subservient meanness was sunk still lower by his mental imbecility, pronounced the judgment of the court to be a fine of 10,000*l.*, with security for good behaviour during life.

* Dal. i. 99.; who does not state whether the maniac was or was not executed. These proceedings, it should be observed, were carried into the next year.

No second witness could be found against Hampden. There was not even the resource of an abstract treatise in manuscript, as in the case of Algernon Sidney, to second the testimony of lord Howard; and, after some time, he was discharged from the Tower on bail. The court was still resolved that its vengeance should reach him, and prosecuted him for a misdemeanor, which requires but one witness, upon the same facts which had been charged as overt acts of high treason against Russell and Sidney. Lord Howard told his story with new variances. Hampden produced a witness to prove that lord Essex never could have sat in conclave upon matters so serious with lord Howard, whom he distrusted and despised. The chief justice would not hear the witness, and added, with his characteristic brutality, that "lord Essex had such an opinion of the evidence of lord Howard, as to cut his throat upon it." The jury, as a matter of course, found their verdict for the crown; and the judgment of the court was a fine of 40,000*l.* to the king; the defendant to be committed till the fine was paid, and then to find sureties for his good behaviour for life.

Two persons who had fled for the plot, and been outlawed, were sent home prisoners, and afforded Jeffreys the opportunity of marking the close of these trials with blood. The first was Holloway, a merchant of Bristol, seized in the West Indies. He made a written confession to secretary Jenkins; but added no new truth, or useful perjury; was brought into court; and told by the humane chief justice, that nothing remained, but to make a rule of court for his execution. The crown lawyers, however, offered, as a matter of favour, to waive his outlawry, so as to allow him a trial. He declared, that having confessed some things in the indictment, he could make no defence, and threw himself upon the king's mercy.

Jeffreys and Withens, after exulting in this conclusive testimony to the plot,—which, by the way, fell far short of proof,—sentenced the prisoner to execution that

day se'night. He petitioned the king; was besieged by the two sheriffs and his jailor for further disclosures; and upon his adding nothing material, or sufficient, was told to prepare himself to die, — which he did, with piety and resolution.

It was a maxim of court policy at this period, that persons confessing the plot should be hanged, notwithstanding, — to guard against its being said that the confession was bartered for a pardon of the offence. The maxim was ascribed to the chief justice North.

The second outlaw was sir Thomas Armstrong. Chudleigh, the king's ambassador in Holland, contrived to seize him at Leyden, by a large bribe to the chief magistrate of that town, and sent him over to England, to be dealt with by the chief justice. He was brought before the council, but declared he had nothing to confess, and demanded a trial to prove his innocence. It was refused him, as an outlaw, notwithstanding the recent offer in the case of Holloway. The motive is obvious. Holloway could be hanged upon his own confession. Armstrong confessed nothing, and the court distrusted the evidence which it could produce against him.

He claimed his trial under the act of the 6 Ed. VI., which permitted the outlaw to purge himself of his outlawry by yielding himself to the chief justice within a year. Jeffreys said that the statute applied only to voluntary surrender, and Armstrong's was forced. The distinction is not expressed in the statute, and the construction is doubtful. Jeffreys followed it up with a sally of demoniac mirth. "The statute," said the prisoner, "is plain." "So plain," replied the chief justice, "that you can have no advantage from it. Captain Richardson," turning to the gaoler, "you shall have a rule for execution on Friday next." A daughter of the prisoner was present. "My lord," cried she, "I hope you will not murder my father; this is murdering a man." Jeffreys ordered her into custody. She exclaimed, "May God Almighty's vengeance light upon you!" and was carried off by the marshal.

The unhappy father continued to dispute his life with the tiger in human form on the bench. "I ought," said he, "to have the benefit of the law, and I demand no more." "You shall have it by the grace of God," replied the chief justice; "see that execution be done on Friday next, according to law. You shall have the full benefit of the law." He was executed accordingly, with all the hurried formalities of the law upon a traitor.

Bishop Sprat had the baseness to palliate the atrocity of these proceedings, by flimsy or false suggestions. Burnet accounts for the merciless severity of Charles to a man of pleasure, who had been the companion of his exile and his orgies, in a different manner. The king, he says, told his courtiers and the foreign ambassadors, that whilst abroad he was warned against Armstrong as hired by Cromwell to assassinate him; that he taxed Armstrong with it; and that, upon Armstrong's confessing the fact, the king promised not to mention it whilst he lived.

There are some startling improbabilities on the face of this story. Why should the king make a person, who had undertaken to assassinate him, and confessed the fact, a colonel in his guards, his equerry, and the companion of his pleasures? Why discover the secret in his life-time, contrary to his pledge? *

There is, however, in the paper given by Armstrong to the sheriffs on the scaffold, an approach to confirmation of what is stated by Burnet. "I was told," said he, "that a very great person says I was a spy of Cromwell." Burnet had seen this when he wrote, but accounts for the variance, by saying, that the dying man was persuaded to soften the charge of being an assassin, to that of being a spy—"as more becoming a dying penitent." † This seems not only improbable, but absurd. There was no reason why a dying penitent should mitigate the imputation upon him. He, however, disproves the

* Burnet says, the king "counted Armstrong dead in law:" upon which Swift observes, "If the king had a mind to lie, he would have waited till Armstrong was hanged."—*Burnet*, ii. 422.

† Id. ibid.

charge of being a spy, by asserting his faithful and dangerous services to the king in England; and his imprisonment by Cromwell, upon discovering them. Thus, the usurper spared a life which he might have fairly taken; and the king took, when he should have spared it.

A bill of exchange, drawn by Joseph Hayes of London, upon his brother, Israel Hayes of Amsterdam, was found upon Armstrong, when seized at Leyden, by the myrmidons of Chudleigh; and, upon this, the drawer of the bill was prosecuted as a traitor. He defended himself with courage, force, and self-possession, — combating the crown lawyers, and addressing the jury. His peroration may be cited as a masterpiece of simplicity in eloquence. "Gentlemen! I have declared to you the whole truth, with all the solemnity that becomes an innocent man; and you have heard the evidence. It is nothing but circumstance and hearsay; and shall a man's life be taken away for *I believe, I think,* or *I have heard?* Gentlemen, you are my fellow-citizens, and fellow-christians; of the same reformed religion that I am; and I hope you are sworn into this service, without any prejudice against me, but with an impartial resolution to do justice; and, therefore, I cheerfully leave the matter to you. I am sure, that if God help me and deliver me in this exigency, it is you that, under him, must preserve my life. Gentlemen, the great uncertainties, improbabilities, and consequences in this case, I hope will be weighed by you. We must all die; and I am sure it will be no grief to you, when you come to die, that you have acquitted an innocent man. I leave it with you. The Lord direct you." The Lord and their consciences did direct them, and they found him not guilty.

It was thought all but a miracle, that a man exposed to the ferocious chief justice in the arena of his court, should escape with life. North ascribes it to his having bribed Jeffreys.* But that person, if the printed trial may be relied on, does not appear to have subdued

* Life of Lord Keeper Guilford.

his usual instincts, and it is more probable that the sheriffs by mistake opened the jury-box to some honest men.

Jeffreys, now on the eve of going circuit, after his feats in the king's bench, presented himself at Windsor to the king. Charles took a ring from his finger, and gave it to the chief-justice, in token of approving his services. The royal gift was not inaptly called "Jeffreys' blood-stone." He further desired that the chief justice would be careful of his valuable life; and, as the weather would be hot during circuit, to beware of drinking too much.

The government of Charles now glided on with unresisted facility,—and he himself glided quietly to his grave. He began to abandon the helm almost wholly to his brother. Halifax suggested the calling of a parliament; was over-ruled by James; came over to the duke's views with his usual versatility; and offered to exert his utmost ingenuity in devising excuses for the public.*

Williams, speaker in the last parliament, was proceeded against with severity for having signed, as speaker, the votes of the house. This proceeding would almost intimate that parliaments were now laid aside for ever.

The war by *quo warranto* was continued against the corporations, all of which surrendered their charters at discretion.†

A still more violent inroad was made upon the power of the two houses. Danby and the popish lords, so

* Reresby's Memoirs, 176

† Sir John Reresby gives a curious account of the king's particular spite to the corporation of York, and his wheedling manner when he wanted to obtain base services. "The king," says he, "had now conceived a displeasure against the city of York, and coming from the duchess of Portsmouth's he asked me, *leaning upon my arm*, if I knew sufficient matter for bringing a *quo warranto* against their charter. I told his majesty I did not, but would endeavour to inform myself; but feared I could not so well do it at such a distance as if I was upon the spot; to which his majesty replied, I only recommend it to you. The lord mayor, it seems, had refused to let a mountebank erect his stage in that city, though he was furnished with the king's recommendation, which the man complaining of, his majesty thought himself thereby slighted, or injured."—*Idem*, 170.

called, still continued prisoners in the Tower, under impeachment by the commons, and committed by the lords. When Shaftesbury, under committal for a contempt, applied to the king's bench, the judges refused to interfere. They declared, that having no means of bringing before them the record of commitment by a superior court, — that of the peers,—they could know nothing judicially of the offence, which might possibly be treason, and could not therefore bail the prisoner. Jeffreys, on his elevation, expressed a different opinion. He was ready to bail the lords in the Tower. What his motives were is uncertain, only so far as it might be safely pronounced that neither virtue nor humanity had any share in them. He may have been actuated by his disposition to arrogate, and exercise power paramount where he could; by his desire to conciliate the duke in releasing the victims of the popish plot; by his fear and hatred of parliament, the meeting of which would be rendered still more remote by creating a new cause of quarrel between the king and the two houses.

Danby had been one of the most severe upon Shaftesbury's application to what was called an inferior court — the king's bench. He now owed his liberty to a similar proceeding, and an intrigue of lord Halifax. That minister having failed in his attempt to sustain his credit, by means of Monmouth, against the duke, bethought him of lord Danby's release from the Tower. Danby, like himself, was adverse to the duke and the French interest; and, after five years' imprisonment, might serve under a minister who had reached the summit in the meantime.

On the 4th of February, Danby was brought, for the first time, by writ of *habeas corpus*, before the court of king's bench. It was a masquerade, previously arranged between all the parties. His counsel pleaded the king's pardon, and his long imprisonment, and demanded that he should be liberated on bail. Jeffreys went through the solemn mockery of postponing a matter of such weight for the more deliberate judgment of the

court to the last day of term*, when he was bailed accordingly, himself in 10,000*l.*, and his sureties in 5000*l.*

Of the five Roman catholic peers committed to the Tower for the popish plot, three only were now alive. Lord Stafford died on the scaffold, and lord Petre died of his confinement in the Tower. The latter, like the former, left a written declaration of his innocence at his last hour.† The surviving lords, Arundel, Powis, and Bellasis, and lord Tyrone, who had been committed for the Irish branch of the popish plot, were bailed at the same time, with the same forms, and still greater facility.‡

The vengeance of the duke of York soon reached a person too execrable to be pitied — Titus Oates. He was proceeded against by writ of inquiry under the statute *de scandalis magnatum*. Several scandals were proved against him. The most remarkable consisted in words spoken at the table of the bishop of Ely, who was present. Oates said in the bishop's hearing, that the jury who acquitted sir Thomas Gascoigne were

* The postponement was caused, according to sir John Reresby, by the influence used underhand against Danby, with the court, by Rochester and Sunderland. But the duke, he said, appeared hearty in it, as well as the king. Under these circumstances Rochester and Sunderland could hardly have interfered, at least with any effect.

† It was contained in a letter written on his death-bed to the king:— "I have been," he writes, "now above five years in prison, and, what is more grievous to me, lain so long under a false and injurious calumny of an horrid plot and design against your majesty's person and government; and I am now, by the disposition of God's providence, called into another world before I could, by a public trial, make my innocence appear. I conceived it necessary for me, as an incumbent duty I owe to truth, and to my own innocence, to make this ensuing protestation to your majesty and the whole world — that whereas one Titus Oates hath maliciously and falsely sworn, that he saw me receive a commission directed to me from Johannes Paulus de Oliva, constituting me lieutenant-general of an army, which he pretended was to come into England; I declare in the presence of the all-seeing God, before whose tribunal I am shortly to appear, that I never saw any such commission directed to me, or any other person whatsoever; and do firmly believe there never was any such."

‡ The liberated prisoners were bound to appear in the house of lords in the next session of parliament; a very light condition at a moment when his majesty had laid aside parliaments altogether: for it will be remembered that he had by this time transgressed the limit of time prescribed by his own modification of the triennial act. "There were," says sir John Reresby (Mem. 175.), "some near the king who advised him *another way of ruling the kingdom;*" doubtless alluding to the king's brother. "The same day," says Narcissus Luttrell in his Diary (State Trials, ix. 1019.), "major Wildman, Mr. Booth, Mr. Charlton, Mr. Trenchard, and several others, committed on account of the fanatic (Rye-house) plot, and bailed, in the last term, were discharged, *there being nothing against them!*"

" profligate villains," and " he would have them attainted," and the " duke of York was a traitor." The witness named Whaley, also a guest, and the " doctor." grew warm upon this; and the latter called to his aid " two myrmidons that were always with him, and followed up and down." Whaley went up to apologise for his warmth to the bishop, who answered, " I thank you kindly, none of us dare talk with him." Such was the spell of terror exercised by this miscreant over a prelate at his own table. Another " scandal," proved to have been uttered by him in the king's palace, whilst he had lodgings at Whitehall, was, that " the duke of York, before the succession could come to him, should be banished or hanged, but hanging was fittest for him." He was overwhelmed with a verdict for the full damages, laid at 100,000*l.*

Braddon, the chief asserter of the charge that lord Essex was murdered by his keeper, at the instigation of the king and the duke of York, with a person named Speke, who had given him a letter of introduction to assist his prosecution of the charge, were tried for the misdemeanor of suborning witnesses. Jeffreys presided, and they were sentenced respectively to fines of 2000*l.* and 1000*l.* Braddon was a hot-headed partizan, actuated less by regard for truth or justice, than by his political and religious animosities. But there is no appearance of his having fabricated the charge, or tried exactly to suborn witnesses. Speke committed, and avowed, the fabrication of a document bearing the name of the prince of Orange after the revolution, and appears to have been a person of worse character. There was, however, no proof of malice against either, and Jeffreys, as usual, was outrageously partial.

The last of these trials was that of Thomas Rosewell, a dissenting preacher. He was charged with the treason of conspiring the king's death, and raising a rebellion by words uttered in an unlawful assembly, or conventicle. The spirit of the trial and of the times are curiously illustrated in the words thus charged as high treason, viz.

—"That the people made a flocking to the king upon pretence of healing the king's evil, which he could not do; but that they (meaning himself and other traitorous persons, the king's subjects) were the persons they ought to flock to, because they were priests and prophets, who, by their prayers, could heal the dolours and griefs of the people; that they had had two wicked kings together (meaning Charles I. and Charles II.), who had permitted popery to enter in under their noses, and whom they could resemble to no other person than to the most wicked Jeroboam; and that if they (meaning the said evil-disposed persons unlawfully assembled) would stand to their principles, he did not fear but that they would overcome their enemies (meaning the king and his subjects) as in former times, with *rams' horns, broken pitchers,* and a *stone in a sling.*"

The uttering of the words charged was sworn against the prisoner by three women of his congregation. Rosewell defended himself with the energy derived from conscious innocence, and so much judgment, as would satisfy a fair tribunal that he never spoke so strange a rhapsody. He proved the three women unworthy of credit; and offered to utter, with his common enunciation as a preacher, a passage of the same length in their presence, staking his life upon the issue of their repeating them. The challenge was not accepted. He produced respectable witnesses, who proved, in reference to the king's evil, that he spoke only of Jeroboam's withered arm, which had been healed by the prophet; that he alluded only to Gideon, Joshua, and David, when he mentioned "rams' horns," "broken pitchers," and a "stone in a sling"—the weapons with which they had achieved feats so wonderful; that he prayed for the king, both in public and private, and had an especial abhorrence of the execution of Charles I.

If bishop Burnet may be relied on, this trial was designed as the first step to the total suppression of nonconformist meetings, and Jeffreys laid it down for law, that every thing spoken in a conventicle was treason-

able. The chief justice looked as fierce and spoke as vehemently as usual,—but in a voice of mock thunder. He treated the prisoner with a fairness which might be called favour from him; he appeared even to have had some visitings of reason and humanity.* But the jury, not understanding the chief justice, or considering that when summoned to try an indictment for treason, their only business was to condemn, found a verdict of guilty; remarkable even among the shameless verdicts of that age.

Rosewell moved in arrest of judgment; the chief justice declared, that though the words charged were treasonable, they were not treason as laid down in the indictment; and the prisoner's life was saved by the king's pardon.† The real motives of the trial are unexplained, and perhaps no longer explicable. It is strange that the conventicle preacher should be hunted down, and then granted life and liberty.

Burnet, the historian of these, or, as he calls them, his own times, figured, at this period, as an historic personage. He became, it has been observed, chaplain to the master of the rolls, sir Harbottle Grimstone, who in his advanced life retained nothing of his early character in the long parliament but his presbyterian bitterness. He desired Burnet to preach this year the Gunpowder Treason sermon on the 5th of November. The chaplain took for his text, "Save me from the lion's mouth:

* It was in Rosewell's case that he threw out his opinion of the hardship of disallowing in treason and felony that full defence by counsel which was allowed in misdemeanor,—one of the most glaring obliquities, even in that mass of obliquity and disorder, the law of the land; of which one-half only was adjusted in the 7th of William III., and the remainder, after the lapse of five reigns, in the 7th of William IV. "I think it," says he, on the motion in arrest of judgment, "a hard case, that a man should have counsel to defend himself for a two-penny trespass, and his witnesses examined upon oath; but if he steal, commit murder or felony—nay, high treason, where life, estate, honour, and all are concerned—he shall neither have counsel, nor his witnesses examined upon oath; but yet you know, as well as I, that the practice of the law is so; and the practice is the law." He said (ibid.), as to denying the prisoner a copy of his indictment, "It is hard, I confess, and so are many other things in the law; but I am *wonderfully tender* of making precedents!!" It is not easily to be decided whether he intended this for hypocrisy or buffoonery,—he who had already made so many bloody precedents.

† North (*Life of Lord Keeper Guilford*) broadly intimates that Rosewell, like Hayes, had bribed Jeffreys.

thou hast heard me from the horns of the unicorn." "I made," said he, "no reflection in my thoughts on the lion and unicorn as being the two supporters of the king's escutcheon (for I ever hated all points of that sort, as a profanation of Scripture); but I showed how well popery might be compared to the lion's mouth, then open to devour us; and I compared our former deliverance from the extremities of danger to the being on the horn of a rhinoceros; and this leading me to the subject of the day, I mentioned that wish of king James I., against any of his posterity that should endeavour to bring in that religion among us." The bishop, in this as in many other instances, puts his veracity to a perilous trial. "I doubt that," is the laconic commentary of Swift.* The court had no doubt whatever of his intended malice; the king ordered the master of the rolls to dismiss his chaplain; and Burnet withdrew into Holland. To ordinary observation, his flight would be ascribed to his fears; but the bishop has recorded it as a particular providence, ever watching over his person and his fortunes through life."†

The duke of York, since his return to the court, directed the king's councils without any ministerial character. The test act and his conscience had divested him of all his offices. He had already made a first step towards trampling upon that act, by governing Scotland as the king's commissioner. The administration of the navy by commissioners was now dissolved, and the duke reinstated as lord high admiral, without taking the oaths. He at the same time, and in the same manner, resumed his place at the council board.

* Burnet, ii. 451. note. There is in the same place a note of speaker Onslow, from which it would appear that Burnet was a popular compound of the preacher and the mountebank; and that the theme of popery was a sort of *mat de Cocagne*, upon which the clergy displayed their prowess before the people, with the hope of reaching some prize benefice at the top.

† The following passage, suppressed by the original editors, has been printed, for the first time, in the Oxford edition:—"So gracious has God been to me in a course of many providences, which seemed both to watch over me, and to order every thing relating to me to be attended with so many favourable circumstances, that what was designed should be my ruin did put me in a way both to do and to come to things, that in no other part of my life I could ever have imagined or proposed to myself."

These appointments, in defiance of a statute dictated, it is true, by the spirit of persecution and monopoly, but yet a solemn and recent act, were formally announced in the Gazette. It was equivalent to a manifesto, that the king dispensed, not only with parliaments, but with the statute law of the land.

The people, according to a cotemporary writer, regarded this as a melancholy presage, which the sequel but too fatally made good.* There were times, not long passed, when Englishmen would not merely have observed, but also made an effort against, whatever was thus ominous of ruin to their liberties. The court narrowly escaped the danger of adopting a measure, which might rouse even the existing generation to resistance, — by provoking the only sort of public spirit which now remained — the spirit of intolerance.

Jeffreys, it has been observed, went upon his circuit campaign against life and liberty with the king's "bloodstone" ring and advice against drunkenness. He most probably soon forgot the advice, but proved himself worthy of the present. He returned from the northern circuit, to which he had been appointed for the purpose, loaded with charters, and presented them as spoils of his victories, at Windsor, to the king.†

He came charged also with a list of all persons under commitment within the northern circuit for recusancy.‡ Upon the return of the triumphant chief justice, a council was appointed, and the duke of York desired particularly the presence of the lord keeper.

These two court judges regarded each other with mutual hatred. The antipathy of the lord keeper was the more subdued, but the more envenomed. Both were now of what may be called, by anticipation, the cabinet council, and had frequent collisions. The lord keeper observed the gravity and decorum of the place; but the lord chief justice on one occasion, when "flaming

* Sir John Reresby, Mem. sub ann. 1684.
† Kennet, Gen. Hist. vol. iii. sub 1684.
‡ North's Life of Lord Keeper North (Guilford).

drunk" at the council board, made a furious harangue against the lord keeper, under the pretence of denouncing all trimmers.*

The council was no sooner assembled, and the king present on this particular evening, than the chief justice stood up with an enormous roll of parchments or papers before him, and spoke as follows: "Sir, I have a business to lay before your majesty, which I took notice of in the north, and which will deserve your majesty's royal commiseration. It is the case of numbers of your good subjects that are imprisoned for recusancy. I have the list of them here to justify what I say. They are so many, that the great gaols cannot hold them without their lying one upon another." He then, according to the brother and biographer of the lord keeper, "let fly his tropes and figures about rotting and stinking in prison," and concluded with moving that his majesty should, by his royal pardon, discharge all the convictions for recusancy, and restore to those poor men the blessings of air and liberty.

Had Jeffreys never exercised his tropes, or purposed to stretch the prerogative, for any worse purpose, his reputation with posterity would outshine that of the lord keeper. The latter, or his biographer, says, the motion of the chief justice was "indeed a swinger," and pithily asks, "What is popery, if this be not?"

But it touched the lord keeper in another point quite as sensitive as his religion. If the motion were agreed to, he must pass the pardon under the great seal. The high tory notions of ministerial obedience and responsibility are here laid down by North with edifying precision. "Although in strictness," says that writer, "he could not disobey the king's express command, in that or any thing else that might be called an act of grace, *nor be rendered criminal for so doing;* yet all the loyal party of England, who were his sure friends, would have expected from him such strong and plain

* North's Life of Lord Keeper North (Guilford).

advice to the king as might have averted him from such a pernicious step, whatever the consequence was to himself."*

The lord keeper and the rest were for a moment silent, after Jeffreys had done. Finding that Rochester, Halifax, and other lords, "eminently protestant," neither spoke nor seemed disposed to speak, he addressed the king: "Sir, I humbly entreat your majesty that my lord chief justice may declare whether all the persons named in these rolls were actually in prison or not."

Jeffreys interposed by asking him, "whether any one could suppose him to have said they were actual prisoners, when all the prisons in England could not contain them?" But their case, said he, "is little better under commitment, which subjects them to be worried and taken up by every parish justice, and mulcted of fees to the ruin of their families."

The lord keeper, upon this, made a most extraordinary speech for so zealous a protestant,— urging in substance upon the king that those under commitment for recusancy were not all Roman catholics, but as many, or perhaps more of them, "sectaries — that is, professed enemies to his majesty's government in church and state; a turbulent people, always stirring up sedition." "If," said he, "they do so much when obnoxious to the laws at your majesty's pleasure, what will they not do if discharged at once?" He concludes with advising particular pardons to the catholics, his majesty's friends, and not a general one, which would embrace the sectaries, his majesty's enemies.

The king mused, the council wondered, the subject was dropped, and the lord keeper, according to his biographer, considering this the most memorable action of his life, recorded it in Anglo-Latin, "motio cui solus obstiti," in his pocket almanack!

Whether the effect of a general pardon would bear

* North's Life of Lord Keeper North (Guilford).

out the fears of the lord keeper, it were vain to speculate; but it is clear that the high-churchmen and tories, however averse from popery, felt more real and rancorous hatred of the protestant sectaries. The reason is obvious. The catholics were in good odour at court, whilst the sectaries had an obnoxious affinity to civil and religious freedom.

It is most likely that Jeffreys, in his zeal for the recusants, was instigated by the duke of York. James, finding himself insufficiently supported at the council board, had now applied himself to bringing in his friends or dependents. The services of Halifax against his uncle Shaftesbury, and the exclusion bill, were long since obliterated from the mind of James. He had proposed limitations of the prerogative, as offensive to the despotic heir presumptive, as the exclusion itself; he had caused the exile and opposed the return of the duke; he had recently tried to reinstate the rival duke of Monmouth; he combined philosophy, wit, and satire, — all three well calculated to render him suspected and distasteful to the regal pride and religious bigotry of James, whose priest-ridden conscience had not escaped his ungovernable love of pleasantry. The duke eagerly and naturally wished to displace him. But the qualities for which he was disliked by one brother made him agreeable to the humour of the other. His pliancy as a courtier made him useful as well as agreeable to the king, and James gave up his removal as hopeless for the present.

The next object of James was to strengthen his interest by promoting his creatures in the council and the court. No one strained prerogative doctrine to a higher pitch than sir Leoline Jenkins; but he was now old, and joined with the timorous slowness of age that impatience of popery which passed for true protestantism. The former was put forward as the ostensible, while the latter, and his siding in council with lord Halifax, were considered the real, cause of his removal from the secretaryship of state. He was succeeded by

Godolphin, through the influence of the duke of York, lord Rochester, and the duchess of Portsmouth.*

The change was not agreeable to the high-church party. The king's affairs, according to North, a tory and cotemporary, could not prosper when the two secretaries, Godolphin and Sunderland, were now "professed gamesters and court artists."

Halifax still not only kept his ground, but gave proof of his influence. His rival, lord Rochester, was first commissioner, but aspired to the authority and honour of lord high treasurer. He contrived either to tease and disgust Rochester into a voluntary resignation†, or, more probably, procured his removal by artifice.‡ Rochester was appointed to a place of more dignity, but less emolument and power,—the presidency of the council; upon which lord Halifax said it was the only instance he had known of a man kicked up stairs; and, with the malice of a wit, seemed to enjoy the ill-concealed mortification of Rochester, more than his own relief from a powerful adversary.

Godolphin was again promoted to Rochester's place of first commissioner, and the latter was soon appointed to the chief government of Ireland, in the room of the duke of Ormond. The son of Clarendon was thus to displace that persecuted minister's old and faithful friend. The correspondence between them on the subject is curious.§ Ormond declared his total ignorance of the cause of his own recall and the designs of the court. Rochester declared that he not only had not sought his appointment, but would have hindered, if he could, the removal of the duke;—and that on the eve of setting out for Ireland, he was still in the dark, though he made several trials to learn the secret from the king.

It was a new project of the duke of York to make the crown absolute. Some steps were already taken to

* Reresby's Memoirs, 181. &c.
† Burnet, ii. sub ann. 1684.
‡ Reresby, Letter of lord Halifax.
§ Carte's Ormond, vol. iii. Letters, 1684.

raise a standing army in England. It consisted only of the horse and foot guards, a regiment of horse, one of artillery, and four regiments of infantry. The largest force brought together amounted only to 4000 men, reviewed on Putney Heath by the king and the duke of York. It is recorded that this spectacle was regarded with triumph by those who would make the king absolute,—but with dismay by those who had still left a lurking sentiment of English liberty, and who looked upon it as a mimic prelude to the establishment of a glittering military despotism in England, like that of France.

Four or five thousand men, it may be thought, should have inspired no alarm; but it was looked upon as a beginning; the eyes of the people were unused to a mercenary armed force wholly alien to the civil community; and the ancient unpaid militia of the kingdom was now covered by the court party with contempt and ridicule, as if (says a writer of the time) there was no motive to make men brave but pay, promotion, and punishment.

The project for raising an army in Ireland was more daring. It was to be officered, if not wholly composed, from the catholics. Ormond would never consent to this, and he was recalled. It was not expected that Rochester would lend himself frankly to the views of the court; but the civil government was to be separated from the administration and command of the army,—with which the court would invest persons wholly devoted to its purposes.*

Charles was now at the height of his power;—in other words, he had the nation debased and prostrate at his feet, prepared apparently to receive his chains and wear them for ever. His foreign relations were in unison with his domestic government. If he degraded the nation from its liberty at home, he at the same time stripped it of its dignity and reputation abroad.

* See Dal. App. part i. 73.

Louis XIV., it has been observed, continued to extend his power and dominion by aggression upon his neighbours, even after the peace of Nimeguen. He made conquests in peace by usurpation and arrogance, as in war by corrupt intrigue and the force of arms. He claimed, as dependencies of his acquisitions on the Rhine, territories which had passed from time immemorial over to the emperor, the king of Spain, the elector palatine, even his ally the king of Sweden, as duke of Deuxponts; and he supported his claims by no authority but the decrees of his own courts of judicature, instituted for the purpose at Metz and Brisach,—a pretension never set up by any prince since Charlemagne.* He entered Strasburg by bribery and surprise,—and by open force deprived that free city at once of its liberty and independence. He bought Cassel from the prince of Mantua, who, like Charles, was ready to sell his people and his honour to supply his prodigal sensualities. He had by this time a well-provided and disciplined navy of 100 ships of the line manned with 60,000 sailors; and Dunkirk,—that conquest of the commonwealth, so basely sold after the Restoration,—rivalled Toulon, Brest, and Havre, as a naval arsenal. He bombarded Algiers, and chastised the dey into submission.† He chastised in the same manner the beys of Tunis and Tripoli, and compelled those corsairs to deliver their christian captives of all nations, "in honour of the king of France." Some English among them, when brought on board free by the commander of the French squadron, maintained that they owed their freedom to the king of England. The Frenchman, with more humour than humanity, put them ashore, and addressed the corsairs; "These people," said he, "will have it that they owe their release only to their king. Mine does not take the

* Voltaire, Siècle de Louis XIV. chap. xiv.

† A curious anecdote is recorded of this barbarian on the occasion:—Upon being told what the expedition had cost Louis XIV., he exclaimed, "Ah! had he given me but half the sum, I would have burned Algiers to the ground."

liberty to offer them his protection. I give them back to you; it is for you to show your esteem for the king of England;"—and the English were carried back to slavery. It might be said that they provoked it by their unseasonable presumption; but, doubtless, they were ignorant in their captivity of the debasement of their country and the character of their king.

In the spring of this year, a French squadron appeared before Genoa, bombarded the city, destroyed some of those marble edifices which obtain for it the title of "Genoa the Superb," and compelled the republic to send its doge and four senators to ask pardon of Louis XIV. at Versailles. The expression of the doge, told by Burnet, then intriguing at the French court, is known to most readers, but may be repeated. Seignelai, the son of Colbert, who had command of the squadron, asked the doge, what struck him as most extraordinary at Versailles: he answered, "It is to see myself there."

The offence, which had provoked this humiliation, was trading in ammunition with the Algerines, and building four ships for the king of Spain.

The siege of Luxembourg by the French king, and the intrigues, rather than negotiations, to which it gave rise, have been stated. He now took, and made the permanent acquisition of that great key to Holland, Flanders, and Germany; took Courtray and Dixmude in Flanders; and razed the fortifications of Trèves;—under the revolting pretence that he was acting in the spirit of the treaty of Nimeguen.

The prince of Orange, the Dutch, the Spanish, and the Imperial ambassadors, importuned Charles to join them in a league against France for the independence of Europe. It was urged upon him by the courtiers, that these solicitations were made at the instance of the English malcontents*, who wished to plunge him into war, and reduce him to the necessity of calling a parliament. Charles continued to earn his French wages,

* Carte's Ormond, ii. 526.

though now paid him with less regularity*;—at one moment, it has been happily said, as the train-bearer, at another, as the pioneer, of Louis XIV.

1685. It might be expected that the happiness of Charles was complete, when he had brought his subjects and himself at home and abroad, to a state so congenial to his nature. He yet appeared dejected and ill at ease. This is attested by various writers, who as variously account for it†—by his desire to rid himself of Jeffreys and Sunderland,—of lord Halifax,—of the duke his brother.

His health had hitherto been uniformly good; he was constitutionally cheerful; but yet, being at an advanced period of a life passed in sensuality and indolence, it was not unlikely that he was visited with the listless gloom called ennui. He may also have observed that the homage of the courtiers already followed the heir presumptive, and begun to feel that what he took for attachment to his person was but interested flattery. He had possibly that sentiment of being desolate, which, by a certain retributive action in the moral order, weighs most upon the selfish;—and he was the most selfish of mankind. This last supposition agrees with his manner of life at the time. The duke of Monmouth, for whom he had the tenderness of a father, was no longer in his eye; and he reposed, with a weak ostentation of fondness, upon the society of the duchess of Portsmouth,—an intriguing foreigner, rendered still more heartless by the honours of court prostitution.

There were, at the same time, other causes enough to disturb his quiet, and oppress his mind. The court, in appearance tranquil, was in reality a vortex of intrigues. Any attempt to trace them would be hopeless; and, though curious as matter of fact, might be worthless as matter of history. The accounts of cotemporary writers, as North and Burnet, are inconsistent with each

* Dal. App. part i.

† Burnet; North (Life of Lord-Keeper Guilford) and Welwood's Memoirs.

other, and with subsequently established truth. It may be stated, generally, that there were two adverse parties and interests: lord Halifax, with the friends of the prince of Orange on the one side; the duke of York, the king's mistress, and the French ambassador on the other. To the latter may be added Sunderland, Rochester, and probably Godolphin.*

Halifax maintained his ground against these combined and powerful antagonist influences. He even gave them advantages against him by that which would be most injurious to his tenure of court favour, — an occasional sally of his better principles. The colony of New England, governed hitherto by a chartered company, had recently come under the king's ordinary dominion; and the noted colonel Kirke, who had lost his government of Tangiers, by the recent abandonment of that territory, was appointed to go out as governor. The model of government to be adopted in the colony became a question before the king's council. Halifax maintained, with earnestness, that Englishmen under English dominion, in whatever clime, had the right to be governed by the laws of the mother country; that a government by absolute control over person and property would be intolerable; and that the colonists of New England should be allowed the privilege of self-taxation by an assembly of local representatives.† He stood alone. The rest of the council strongly resisted his opinion; and the administration of the colony was vested absolutely in a governor and council, responsible only to the king.

This incident merits notice only from the light which it throws on the character of Halifax, and the use made of it by his adversaries. The political conclusions

* "Godolphin," says bishop Burnet, "was also in it" (the scheme laid at the duchess of Portsmouth's). The attempt of Godolphin to keep up a good understanding between the king and the prince of Orange (see his letter to the prince, in Dal. App., at this period) might be thought sufficient to overturn the authority of the bishop, if Godolphin's career were not marked by uniform duplicity in this and the succeeding reign, whenever he had a double game to play, or double interest to pursue.

† Letter of Barillon, Fox, App. vii. Barillon's account of a discussion which he did not witness, may be loose, and, from the use which he made of it, is perhaps exaggerated.

and principles of liberty, to which that accomplished person was led by his superior reason, were impeded by the weak and vacillating constitution of his mind *;— and this barren explosion of his virtue at the council board, was represented by the duke to the king as evidence of his republican dislike of monarchy, and unfitness for a king's counsels. The royal mistress, lord Sunderland, and, if Barillon be correct, all the other ministers, seconded the duke with the best prospects of completing Halifax's loss of court favour already begun. †

But Halifax, without possessing the king's confidence, had more than one stronghold upon his character;— the clear insight of Charles into the secret and selfish springs which actuated those about him,—his quick sense and paramount pursuit of his own personal comforts,—and that solitary tie of human affection which connected him with the duke of Monmouth.

The minister could have no difficulty in satisfying the king that he should consult his own quiet and security by exiling his brother; Charles's paternal tenderness rendered it no less easy for Halifax to reinstate Monmouth as a counterpoise to the duke of York; and he had by this time laboured both points to the verge of succeeding. The secret visit of Monmouth to England, at this period, seems placed beyond doubt by the number and concurrence of authorities; according to two of which he had an interview with the king.‡ It is still strange, that no trace of it should appear in Monmouth's diary.§

Lord Halifax, at the same time, laboured to strengthen

* His conduct at the revolution is a striking illustration.

† Barillon's Letter, ut sup

‡ Carte, writing from the papers of the duke of Ormond; and Barillon, in a marginal note to his despatch, last cited.

§ The authenticity of this diary has been doubted; but the internal evidence in its favour is very strong; and neither Welwood, who published it, nor any other person, appears to have had any motive for the fabrication. Welwood professes to give only "some passages;" and the entry of this visit may have been such as the physician to king William (to whom, moreover, Welwood's Memoirs are dedicated) thought it prudent to suppress.

himself by reconciling the king and the prince of Orange. William never for a moment abandoned his hopes, or relaxed his efforts, to renew against Louis XIV. the confederate war, to which a stop was put by the peace of Nimeguen. He expressed his wish to come over to England upon an event the contemplation of which proves the successful influence of Halifax with the king, — the departure of the duke of York for Scotland.* Barillon, it is true, assures his master that Charles would rebuke "the insolence" of his nephew's visit without leave, by refusing to see him, and had rejected his explanations and assurances through the Dutch ambassador Van Citters with derision. But Charles dissembled with every party and every person, even to his mistress; and he is said to have had an understanding with the prince, that his letters, sealed with a private signet concerted between them, should alone be received as containing his real sentiments. Halifax had thus fortified himself by arranging the reinstatement of Monmouth at court, and bringing about a reconciliation between the prince and the king. It may suggest itself that William and Monmouth, — rivals for the succession, — had adverse interests: but the prince, with his superiority, after his first interview with Monmouth, saw in him a mere tool for his purposes†, and with that view, perhaps, connived, three years later, at his fatal expedition.

The duke of York, on his side, was not idle. He brought to his aid all the relations of power and position between his brother and the king of France. Louis, it has been observed, had begun to treat his dependent royal brother with not only neglect but contumely. He who compromises his safety or honour, places his neck under the foot of the person to whom he has lent himself. Louis had this power over Charles, and used it. Finding his pensioner refractory, he not only threatened but made the exposure to his subjects

* Letter of Barillon, cited by Mazure, i. 347. Fox, App. ix. x. xi.
† See D'Avaux, vols. iv. and v. passim.

of his secret money compact*,—his mercenary dependence upon France,—and his sacrifice of the best interests of his people to the pleasure of his patron.† The duke of York solicited Barillon to reconcile the two kings. The ambassador accordingly wrote to his master that the English merchants complained of the seizure of their cargoes by the French; that Charles himself complained of breaches of treaty; and that he deeply resented Louis's having disclosed to his subjects the secret of his preferring the will and pleasure of the king of France to their most important interests.‡

Louis XIV. could subject, by a rare subordination of the passions, religious bigotry and regal pride to his policy and ambition. Acting upon the suggestions of his ambassador, he restored English merchant-vessels captured on the ground of their having violated the blockade of Genoa; he naturalised the young duke of Richmond, son of Charles by the duchess of Portsmouth, as a prince, and duke of Aubigné in France; and his pension to Charles, which had been almost a year in arrear in April, 1684, was 30,000 francs in advance in the beginning of April, 1685.§

It appears almost beyond doubt, that Halifax overcame the influence of the duke of York and duchess of Portsmouth, the influence, power, and concessions of Louis XIV., and that James was once more about to visit Scotland. The only question is whether, according to Barillon ||, the duke's mission was a new proof of the king's confidence—to hold a parliament in Scotland, confiscate the property of attainted traitors, and return at the end of three weeks;—or whether the king

* See lord Preston's letters, in Dal. App. part i. 80.

† Mazure, i. 371.

‡ "On lui fait croire," says Barillon, "que votre majesté lui a fait un tort irreparable parmi ses sujets en leur *faisant connaitre* qu'il préfère ce qui peut être agréable à votre majesté aux intérets les plus considérable de la nation Anglaise."—*Mazure*, ut sup.

This probably refers to the corrupt confidence and intrigues between Louis XIV. and the Whigs. It could not have reference to disclosures made by the French court, as a punishment of Charles's insubordination, through the abbé Primi's book; for that book disclosed only the Dover treaty.—(See lord Preston's letters above-cited.)

§ Mazure, i. 372. || Fox, App. viii.

proposed to renounce and sacrifice his brother, call a parliament, come to a good understanding with his people, and thus ensure his own quiet for the remainder of his reign. This question can be matter only of curious and barren speculation. The king's death cut off the only satisfactory or useful solution — that of experience and facts.

Charles II. died on the 6th of February, 1685, in the communion of the church of Rome. This simple record would suffice, if so much had not been written of his last illness, his religious faith, and the manner of his death.* On Monday morning, the second of February, he rose early, but complained of having passed a restless night, —of pain in his stomach and heart. Those about him were alarmed by his pale looks and incoherent speech, and he dropped lifeless on the floor, according to some; back in his chair, according to others. Doctor King, a physician and chemist, who assisted him in chemical processes, for which he had a taste, happening to be in attendance, restored him by bleeding on his single responsibility, and was ordered by the council a fee of 1000*l.*, which was not paid.†

The people were thrown into despair; prayed and wept in the churches; and set no bounds to their joy when the court physicians pronounced the king out of danger. In this, probably, the popular dislike and distrust of the successor had some share. But even a bad prince, on the brink of death, may have been an object of public sympathy on his own account. Of all hearts, the most forgiving of injury and susceptible of emotion is the public heart.

He had a relapse after two days; and Sancroft archbishop of Canterbury, with Compton and Ken, bishops of London and Bath and Wells, came to prepare him for death. He heard them read the prayers for the sick, but refused or rather evaded receiving the sacra-

* Burnet's hearsay account is a sort of fiction, founded on facts.

† It is said that he tied up the king's arm with his handkerchief, and opened the vein with his penknife.

ment. It was obviously his wish to die in the communion of the church of Rome. The difficulty was how to procure him a Roman catholic confessor.*

It is curious enough that the person who first thought of the king's religious conscience and salvation, was the duchess of Portsmouth, who implored Barillon to mention it to the duke of York.†

This consideration had hitherto escaped the duke,—who, in the present instance and others, was more intent upon his interests as a prince than as a papist. His first act had been to order the closing of the ports, lest the duke of Monmouth or the prince of Orange should take advantage of the king's illness, as a reason for coming over.‡

The duke had some difficulty in conferring privately with his brother; and still more in procuring him a priest. It was death for a native Romish priest to be discovered about the court, or, by law, even within the realm; and the priests in the suite of the queen and duchess of York were Portuguese and Italians, who did not understand English.

After some moments, father Huddleston was thought of. He had been exempted from the penal laws for his share in saving the king's life after the battle of Worcester. Huddleston was not familiar with the office of a confessor. He was drilled for the occasion by a Portuguese barefoot Carmelite§, and acquitted himself with credit.‖

By a hazard no less curious than that of the duchess of Portsmouth's pious forethought, the confessor was

* The different accounts of this death-bed scene, by Burnet, North, father Huddleston, Barillon, and in the Narrative of the Nuns of Chaillot, professing to be taken down from the lips of James II. and his queen, at that convent, in 1692, are inconsistent and contradictory. The two last are the most entitled to credit; and even they are, in some particulars, at direct variance with each other.

† According to the Narrative of the Nuns of Chaillot, the suggestion first came from the queen to the duchess of York, who communicated it to the duke. This, if not the more faithful, is certainly the more decent version.

‡ Barillon's letter, in Mazure, i. 375.

§ "Le comte de Castelmelhor (M. Mazure says, evidently by mistake, 'Castelmaine,' avoit pris soin de faire instruire le sieur Huddleston par un Portugais Carme déchausse, parceque de lui-même ce n'étoit pas un grand docteur."—*Letter of Barillon.*

‖ "M. le duc de York m'a dit qu'il s'acquitta fort bien de sa fonction."—*Id.*

brought disguised into a back room adjoining the king's chamber, by Chiffinch, the chief minister of the king's sins.

James having cleared the room of all, but lords Feversham and Bath, gentlemen of the king's bedchamber *, took charge of the priest from Chiffinch, and presented him to the king saying, "I bring you one who once saved your life, and now comes to do as much for your soul." Charles received him with emotion, declared himself a Roman catholic, promised to make a public avowal of catholicism if he should recover, confessed his sins †, and received the sacrament according to the rites of the church of Rome. All this passed in three quarters of an hour, and the door of the king's chamber was again opened.

Here a question has been raised, whether the bishops returned to the king's bedside after the disguised confessor was gone. A protestant high Tory historian ‡ states that bishop Ken's exhortation to Charles preceded the admission of Huddleston, whose function was but an imposition on the king's bodily weakness and mental incapacity. The subsequent absence of the bishops is attested, but not conclusively, by an account, professing to be that of James II., several years after.§ But Burnet's account, however questionable if it rested only upon him, seems confirmed beyond doubt by Barillon. That minister writes to his master, that the bishops, during their exclusion from the king's chamber, regarded the presence of two protestants as some little security against the intrusion of popery; and that the king,

* The nuns of Chaillot make James say the chancellor also was present. Ralph, usually so accurate, calls lords Bath and Feversham "of the same faith." They were protestants. The latter was of the French protestant family of Turenne, who was his uncle.

† Father Huddleston's words are, "made an exact confession of his whole life," and all in three quarters of an hour! There is a curious, if not suspicious, coincidence in language between Huddleston's account and the extract in the "Life," &c. from James's MS. memoirs.

‡ Roger North.

§ The above-cited Narrative of the Nuns of Chaillot: — "Il me semble dit la reine, addressant la parole au roi son mari, que vous m'avez dit que les protestans vinrent encore parler au feu roi, depuis qu'il eut fait son abjuration. Non, dit le roi, je ne vous l'ai point dit. Rappelez votre mémoire, répond la reine, je pense que vous me l'avez dit. Je n'ai pas pu vous le dire, répondit le roi, parceque cela n'est pas arrivé."

after his religious preparation to die, became more collected, and slightly improved.

Too much stress has been laid by both parties upon Charles's dying confession of faith in the church of Rome. The faith avowed, and the rites preferred, by a person whose body and mind are alike prostrate, is a very fallible test of religious truth, or even of previous belief; and, however sincere, fall short of what could be called rational conviction even at the moment.

He sent for his natural children, gave them his dying blessing, and recommended them and their respective mothers* to his brother and successor; but never named or alluded to the absent duke of Monmouth. He asked forgiveness of James for his past treatment of the best of brothers; and in reply to the queen's prayer, by lord Feversham, for his pardon, answered, "Alas! it is I who should ask her's, and I do with all my heart."

Bishop Ken, continues Barillon, read some prayers to him, but abstained from demanding of him any confession of his faith, from an apprehension of a refusal or of offending the duke of York.†

He breathed his last about twelve o'clock, on the 6th of February, in the 55th year of his age, and the 28th of his reign, dated, in fact, from the Restoration; the 37th, dated, in name, from the execution of Charles I.

His death was ascribed to poison, popery, and his brother; as if his habits of debauchery from boyhood, his time of life, a stroke of apoplexy, and the attestation of nine physicians, were not enough to bring it home to the ordinary course of nature.‡ The only

* "Do not," said he to his brother, "let poor Nelly (Eleanor Gwyn) starve:" and it is said that this last and best trait of his whole life scandalised some of the bishops.

† Barillon's letter, in Dal. App. part i. p. 94.; and Fox's App. xv.

‡ Burnet, in his personal stories of Dr. Short, the duchess of Portsmouth, and a Mr. Henly, evidently indulges his usual self-conceit, and the general disposition to over-value information and anecdotes exclusively one's own. Mr. Fox, where he cites the belief of the duchess of Portsmouth, that Charles II. was poisoned (Introd. chap. lxvii.), is evidently affected by this illusion, notwithstanding the vigour of his reason and gene-

question, indeed, seems to be, whether it should be charged upon nature, or upon his doctors. They treated him for apoplexy, whilst it has been said his case was epilepsy, which, according to a famous physician of the time*, was a fatal error.

There are historic characters of this prince by various hands, and in the most various colours. That of bishop Burnet, though much condemned for its severity, is perhaps, on the whole, the most faithful. His head bore an unfortunate resemblance to the busts of the emperor Tiberius; and the bishop frankly carries the resemblance to his temper, his vices, and his course of government. He undoubtedly was sensual, selfish, and deceitful; but the comparison with Tiberius is overcharged. He knew not virtue in himself, and did not believe it in others. He seems to have regarded deceit as the moral order of the world; and, in order to qualify himself for his place in the system, disciplined himself into a most accomplished master of the art. It is possible that on many occasions, when he appeared in the midst of distress and difficulty, abandoning himself in passive, reckless, levity or indolence, he secretly trusted to his expert use of the mystery of deceit and mask of dissimulation. He, however, perhaps loved imposture for itself. It was a congenial amusement to his mind, without invading his indolence or interfering with his sensualities. He was a merely animal, and not an epicurean voluptuary. He had that gross indifference to the fidelity of his mistresses which is found only in the savage state, and in the dregs of civilisation. He set the fashion of moral depravity, ribald wit, and gross conversation, through

rosity of his soul. Lord John Russell, in his Life of Lord Russell, has written under the same hallucination, where he produces a family anecdote to bear out the suspicion that lord Essex was murdered in the Tower.

* Doctor Stokeman, whose opinion is cited in North's Examen. See also Welwood's Memoirs. The nuns of Chaillot state, on the authority of king James, that in his first fit it required force to open his teeth—"les dents, qu'on lui tenait ouvertes à force." Whether this be the sign of apoplexy or epilepsy, physicians are the only proper judges. Roger North observes, with perhaps more wit than reason, that no man in the hands of nine physicians has fair play for his life.

the land.* It is the great anomaly of his character, that a person who was so much of an animal sensualist in his existence and his instincts, should have been distinguished by so much wit, humour, and intelligence.

His intercourse was familiar and easy. He descended to the level of those about him, and allowed an unrestrained familiarity and freedom on their part. This, perhaps, is the most favourable trait of his character. But his associates were parasites and buffoons, — the confidants not of his friendship but of his vices; and it was more from indolence than simplicity that he loved to appear in his undress. The stately attitude and cumbrous pomp of royalty fatigued him; and when he put off the king, the transition was to the animal, not the man.

The praise of a liberal and forgiving disposition has been claimed for him. It is true he was prodigal; but, as it is often observed with prodigals, it is recorded of him, that he had a selfish and sordid love of small gains.† Prodigality and sordidness are, in truth, more akin to each other than is generally supposed.

He was, it is said, neither vindictive nor cruel. Revenge is one of the higher passions, and to all those he was a stranger. But when did he ever forgive an injury

* It is a sort of fashion to talk of the wit, gaiety, and politeness introduced by Charles II. — It is well exposed by Horace Walpole. — "One is "annoyed," says he, "at hearing the age of Charles II. called polite. Because the presbyterians and religionists had affected to call every thing by a Scripture name, the new court affected to call every thing by its own name. That age had no pretensions to politeness but by its resemblance to another, which called its own grossness polite — the age of Aristophanes. Would a Scythian have been civilised by the Athenian stage? or a Hottentot by the drawing-room of Charles II.? The characters and anecdotes being forgot, the state poems of that time are a heap of senseless ribaldry, scarcely in rhyme, and more seldom in metre. When Satyrs were brought to court, no wonder the Graces would not trust themselves there."

Again he says,—"Charles introduced the fashions of the court of France, without its elegance. He had seen Louis XIV. countenance Corneille, Molière, Boileau, Le Sueur; who, forming themselves on the models of the antients, seemed, by the purity of their taste, to have studied only in Sparta. Charles found as much genius at home: but how licentious, how indelicate, was the style he permitted or demanded! Dryden's tragedies are a compound of bombast and heroic obscenity, inclosed in the most beautiful numbers. If Wycherly had nature, it is nature stark-naked. The painters of that time veiled it but little more: Sir Peter Lely scarce saves appearances but by a bit of fringe or embroidery. His nymphs, generally reposed on the turf, are too wanton and too magnificent to be taken for any thing — but maids of honour."

† Welwood's character of him.

to himself, — unless where the act of punishment would cost his indolence an effort, or his self-indulgence a privation? He forgave the duke of Buckingham because he found his pleasure incomplete without that buffoon and profligate. If he was not cruel in practice, it was only because, by mere accident, practical cruelty did not come within the range of his enjoyment of existence.

Most of the bad passions were latent in him, but happily locked up and neutralised by his natural indolence of temperament. Justice could not extort from him the trouble to take a guilty life, or generosity the trouble to save an innocent one: — nothing could do it but exclusive, sensual, sordid self. His disgraceful secret pension from Louis XIV. made him pass over, without satisfaction or inquiry, the suspicious death of a sister who merited a better brother and better fate. Buckingham was not the only object of his clemency. He extended it to the noted Blood, the most desperate and notorious criminal of the age, — the hireling assassin who had attempted, in open day, the life of Ormond, the most virtuous and faithful servant he ever had; — and this exercise of his royal mercy resulted from the adroitness with which the artful villain played upon his fears.

But towards the close of his life, when his passions evaporated, and his temperament grew cold and timid, he became positively cruel as he grew more susceptible of fear. He shed the blood of lord Russell from an exaggerated, dastardly sentiment of self-preservation; and he sacrificed lord Stafford — much more scandalously, — rather than provoke opposition to the course of his government, or the disturbance of his personal ease.

It was said of him, that he never said a foolish thing, and never did a wise one. There is, perhaps, as much wit, and certainly more truth, in another saying, — that, like the sluggard in the Bible, he never turned from one side to another but for his own ease or pleasure.

There is a solemn warning against putting trust in princes, — as if perfidy and ingratitude were among the

privileges of the caste. No prince ever exercised this privilege more liberally than Charles II. He ungratefully betrayed the cavaliers who bled for him,—the presbyterians who restored him. He sacrificed Clarendon and Ormond to the duchess of Portsmouth and the duke of Buckingham; and would, perhaps, have sacrificed his brother, had he lived a few weeks or a few days more.

The key to his character has been given by bishop Burnet.* His vices happily by their antagonist action neutralised each other. He would willingly establish arbitrary power, but would not take the trouble or run the risk of a great design. Had the motive springs of his career (if such an existence as his deserve the name), been more ambitious and intellectual; had he been endowed with his brother's uncompromising conscience and regal pride; he would have been a more formidable oppressor, but less despicable prince. As it was, he left the nation dishonoured abroad, and sunk by tyrannic chastisement and moral depravation to the abject state of contented slavery, at home.

It is strange that the English, a people of free and fearless genius, surpass other nations in the number of bad kings. The character of this prince, one of the worst of them, has been praised from generation to generation. Nothing is more easily accounted for. Roman catholics, naturally enough, have been partial to a sovereign, who in a persecuting age would give toleration to their religion, and bore the very feeble testimony of his dying hopes and fears to the truth of their faith. He was not a persecutor in a persecuting age. It was the result of careless temper and loose belief; not of humanity or reason. A person so abandoned to the enjoyment of his animal being, probably never took the trouble of examining any matter of speculation either in religion or in ethics; but, arguing from probability, and the recorded opinions of some who knew him, it

* "He had in him some vices that were less hurtful, which corrected his more hurtful ones," &c.

would appear that he allowed his mind to float between deism and catholicism.

The clergy of the church of England are as naturally biassed in favour of a prince who compounded for the scandalous vices of his private life and public administration, by indulging the hierarchy in the love of temporal pomp and spiritual domination.

The traits of his life and government, again, would be softened and disguised by a large and powerful party, or rather class, in England, with whom it is an article of political faith to exalt the prerogative at the cost of the democracy, and draw a politic, perfidious veil over the vices of courts and kings.

The impress of this prince's reign and character upon the nation in his time — or what is called the age of Charles II.— ends properly not with his death, but with the expulsion of his brother and his race from the throne. Viewing his reign, from his restoration to his death, in comparison or contrast with the aspect and attitude of the nation immediately before, it may be said in brief, that public spirit, and private morality — grandeur of character, and simplicity of life — the love of country and of liberty — of virtue, and of renown — were entombed with the commonwealth. The question remains, whether they were or were not evoked by the approaching revolution of 1688.

END OF THE SEVENTH VOLUME.

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